Duplicate

THOUGHTS

ON THE PROPOSED

ANNEXATION OF TEXAS

TO THE

UNITED STATES.

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VETO.

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TO THE

HONORABLE GEORGE P. BARKER,

ATTORNEY GENERAL OF THE STATE OF NEW-YORK.

My Dear Sir,

It is not because you are Attorney General of our own great State, that I preface these pages with your name. But because I know your warm and generous spirit, scorning meanness, hating oppression, and loving justice, prizes above all considerations of party, the welfare and honor of our common country.

I am ever truly yours, T. S.

New-York, April, 1844.

NOTE.

The substance of this pamphlet was first published in the Evening Post in several essays, under the signature of *Veto*. Some friends have thought them worth preserving in a more durable form.

THOUGHTS

ON THE PROPOSED

ANNEXATION OF TEXAS.

It is now nearly seven years since the question of the annexation of Texas to the Union was submitted to the Federal government, and decided in the negative. That decision was based upon our duties, as a nation, to the Mexican government, and on the very doubtful nature of the constitutional power; and in making that disposition of the subject, the administration of Mr. Van Buren was fully sustained. In the long list of offences imputed to that President, and during all the angry years of partizan warfare which have since elapsed, the refusal to receive Texas has never, to our knowledge, been condemned. That the nation at large acquiesced in the result, cannot be doubted.

The same question is now again presented to the people of these States, but in a very different manner. What was then the request of Texas herself, is now the anxious wish of the persons administering our own government. What was then the solicitation of a foreign power, has now become the darling measure of our own politicians.

Upon the magnitude of this subject it is unnecessary to say any thing. No man familiar with the structure or the history of this confederacy, with its sectional interests, or its political organization, can fail to perceive that it is by far the most important that has in our day been submitted to the judgment of the people. Involving, as it does, a material alteration of the Union itself, raising a most important question of constitutional law, seriously affecting our amicable relations with foreign powers, addressing by turns, in different language, the local interest of every section, awakening earnest desires, arousing angry passions, and last, absorbing in itself the great conflict between freedom and slavery, he must be insensible indeed, that needs any appeal to arouse his attention. No man is worthy the franchise of the Republic, no man deserves the name of American citizen, who is not awake to the magnitude of the interest.

It is a question, too, which should be approached in no ordi-

nary frame of mind. In calmness, temper, and an entire devotion to the great principles of free government, can it alone be investigated. He who seeks to consider it, should put away, if possible, every sectional or local prejudice, look only to the great interests of liberty and Union, and endue himself with that general and catholic spirit which makes the difference between a statesman and a party politician.

"*Liberty and Union!*"—We have been taught to consider them inseparable and identical. The interests of peace, the tie of brotherhood, a joint inheritance in some of the greatest names that the world has ever pronounced, mutual trials and mutual triumphs, no less than the mere material interests of commerce, bind together in one dear and common country, the great people, sown broadcast by the hand of the Almighty, from the St. John's to the Gulf of Mexico.

In the spirit, then, of liberty and union, let us approach this great problem, and receive our solution, not on the authority of any man nor any set of men—not from any party, political or religious, but from those principles of our government which speak to us daily in our own history and the history of the race.

Texas is a district of country lying to the south-west of the United States, between the 26th and 34th of North latitude, bounded on the east and south-east by the Gulf of Mexico, and on the south and west by Mexico. Its western boundary, as we shall have occasion hereafter to see, is still unsettled. As an independent State it now claims to extend to the Rio Norte or Rio Grande, also known as the Rio Bravo. As a province of Mexico, its limits were much more confined. What is here said refers to the boundaries claimed by Texas herself. Its area is about 380 thousand square miles, in other words, equal to one-seventh of the whole surface of the present Union. A level tract of land from twenty to seventy miles in width, extends from the Sabine to the Rio Grande or Rio Bravo, along the entire sea-coast of the country. This district, immediately on the sea, is hot, low and unhealthy, but is described as one of great fertility, and eminently fit for all the peculiar productions of the southern States, cotton, sugar and tobacco. Receding from the level tract, the ground varies from prairies to an undulating surface, and then becomes hilly. In the upper country the climate is much colder, and the northern grains are said to thrive. It possesses mines of coal and iron, and vast forests of live oak. But the only population of any consequence at present is to be found in the district near the sea. The country is well watered by several large streams, navigable from fifty to two, three or four hundred miles in the interior. The population is very variously estimated from 80,000 to 300,000.*

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* This brief description of the country is condensed from various works on Texas, most of which are far from unfavorable to the country. The following are the principal among them: Newell's History of the Revolution of Texas;

This country, in the year 1835, formed a part of the state of Coahuila and Texas,† and as such belonged to the Republic of Mexico. It differed, however, materially in its population from the rest of the Union to which it belonged, having long been an object of interest to the southwestern states, and having received, commencing in 1821, the period of Moses Austin's grant, a very considerable American or Anglo-Saxon population. That population was at the outset of a very desperate character. In August, 1817, Mr. Chew, Collector at New Orleans, writes to Mr. Crawford, Secretary of the Treasury, of "the most shameful violations of the slave act, as well as of our revenue laws, practised by a motely mixture of freebooters and smugglers established at Galveston." (State papers, vol. 9, p. 351.)

The contest between Texas and Mexico is familiar to all. The early hopes entertained by mankind for the freedom and prosperity of that portion of Spanish America were blasted by the convulsions which commencing in 1828, terminated only in the ignorant military despotism established by Santa Anna in 1833. The Texan revolution commenced in 1835, and terminated in less than a year, with the battle of San Jacinto. Vehement appeals have been made to us to sympathise with the Texan revolution as a struggle of kin to our own, and to join our feelings in unison with those of American blood, struggling in the great cause of freedom. This might be more easily done if it were possible to

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Visit to Texas; Texas, by Kennedy; Texas and the Texans, by H. S. Foote; The Texan Immigrant. If any one desires a full view of the speculation and knavery to which the country has given rise, the latter work will abundantly enlighten him.

† Whether Texas was or was not entitled to an independent existence under the Mexican government was one of the questions first agitated in their revolution. In 1833, Texas requested admission into the Mexican Confederacy as a sovereign state. The request was refused, and this was one among the numerous causes of discontent. Colonel Austin, on the 8th of September, 1835, in a speech delivered by him, spoke as follows:

"Under the Spanish Government, Texas was a separate and distinct province. As such it had a separate and distinct local organization. It was one of the unities that composed the general mass of the nation, and as such participated in the war of the revolution, and was represented in the Constituent Congress of Mexico that formed the Constitution of 1824. This Constituent Congress, so far from destroying this unity, expressly recognized and confirmed it by the law of May 7th, 1824, which united Texas with Coahuila provisionally, under the especial guarantee of being made a state of the Mexican confederation as soon as it possessed the necessary elements. That law and the federal Constitution gave to Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people of Texas acting for themselves as a unity, and not as a part of Coahuila, for the reason that the union with Coahuila was limited, and only gave power to the state of Coahuila and Texas to govern Texas for the time being, *but always subject to the vested rights of Texas.* The state, therefore, cannot relinquish those vested rights, by agreeing to the change of government, or by any other act, unless expressly authorized by the people of Texas to do so; neither can the general government of Mexico legally deprive Texas of them without the consent of this people. These are my opinions."—(Texas and the Texans, by H. Stuart Foote, vol. ii. p. 62.)

forget the origin of the settlement of Texas. It began in land speculation; it was marked in its course by abominable frauds, and one of the great causes of dissatisfaction was the absolute prohibition of Mexico of slavery within its limits.

The first settlers of Texas, for the mere love of gain, abandoned a free republic for a colonial destiny. Protestants, they transferred themselves to catholic rule, and renounced the birth-right of their ancestors, the dear tie of country, and all the valuable privileges of civilized American freedom, for the doubtful and desperate chances of a settlement on the Texan prairies under Spanish dominion.

Texas itself, has been, from its commencement, one great speculation, and in the long list of bubble companies of the day, the "*Galveston Bay, and Texas Land Company*," enjoys a distinguished pre-eminence. Our cities have been inundated with Texas scrip, and the eager desire of those who wish their titles confirmed is not to be lost sight of in estimating the motives which animate the friends of annexation.

Our ancestors exchanged despotism for freedom. The Texans abandoned freedom for despotism. Liberty of conscience and the right of self-government stimulated the one, speculation and jobbing excited the other.

The courage of the West is too well established to be now called in question, and the history of the Texan war derives all that it can boast of lustre from western courage. Houston, Lamar, Travis, Fannin, all the men whose desperate resistance and miserable fate is connected with the atrocious cruelties practised at the Alamo and Goliad, were western men, whom a false sympathy and a restless spirit had seduced from their homes and their regular pursuits. Fannin writes from the Alamo, just previous to its capture, (Foote, v. 2, p. 207,) "In my last I informed you that I could find but some half dozen citizens of Texas in my ranks, and I regret to say that it is yet the case."

With the exception of the infamous massacres of the Alamo and Goliad, and considering the Bobadil terms in which it has been spoken of, the contest is almost burlesque. At the action of Gonzales, the Mexicans ran when the Texans came within five hundred yards. The capture of Goliad was effected without the loss of a Texan life. At Conception, one man was lost in a battle of five minutes, and in the storm of Alamo, the Texan Badajoz, when taken from the Mexicans, one man was killed, and eight officers and men severely wounded, while in the famous battle of San Jacinto, which lasted just fifteen minutes, eight Texan lives were lost. The whole course of the contest is indeed marked by no other feature than the mingled imbecility and ferocity of the Mexicans. That so much has been said of the glories acquired in the Texan revolution, argues of itself the existence of few subjects for honorable fame. That the resistance of Texas to Mexico was in many respects well warranted, none can doubt; that either the origin of the new state, or its strug-

gle for independence, afford great subjects of national exultation, we may well question.

But I attach no very great importance to these considerations. If we can find nothing in the history of Texas very much calculated to enlist our sympathies, there is, on the other hand, nothing which should repel us from her embraces. Her destinies are all before her; her population claims the same origin with ourselves. The vices of a frontier people she has in common with our own pioneer states, and the admission of Texas must be decided upon points altogether different from those which we have just considered.

The relations of Texas to Mexico, since the year 1836, have remained unchanged. Though still denounced as a rebel by the Spanish confederacy, no vigorous effort has been made by that feeble power for her re-subjugation; while, on the other hand, her independence has been recognized by the United States, England, France and Holland.

It is now nearly eight years since Texas practically established her independence; and it is now as an independent power that admission is sought for her into the Union.

If it is said that Mexico has not acknowledged her independence, it is replied that eight years are sufficient to test the question, and that a sullen refusal on the part of the Spanish confederacy to recognize Texas, ought not to bind the conscience or control the conduct of other powers. But of this, more in its order.

One other circumstance remains to be noticed. Texas is a slave-holding power. Peopled by settlers from the southern and southwestern slave-holding states, she has retained the institution within her limits. The seventh of the general provisions of her constitution declares and establishes the existence of slavery in her limits—prohibits equally the slave trade and emancipation, except for exportation or by consent of Congress. If Texas is now admitted, it is without any restriction on slavery.

The idea has been held out by some northern presses, that a great difficulty would be remedied if Texas could come into our Union as a free state, or with proper guarantees that in whole or in part she should become one. The suggestion is without the least foundation. Texas, as a free state, would be an object of alarm to those who now urge her admission. It is *as* a slave territory, and *because* a slave territory, that her annexation is demanded. It has been suggested that the northern part of Texas is not adapted to slavery. It is so, just as little as Virginia or Missouri; but slavery, unfortunately, does not depend on climate, and slave-holding Arkansas will never consent to a free state on any part of her southern border. This is precisely one of those concessions that the states will never make. Whenever the offer is made to admit her as a free government, it will be time enough to consider it. It is a slave-holding state, that the annexation is now urged, and it is only in this light that the question is now to be regarded.

One other question, as connected with the origin of Texas,

may properly be considered here. It belongs to her history, and though it has no particular bearing upon the merits of the question, still as it appeals to popular sympathy, it is proper that it should be correctly understood.

Did Texas ever form a portion of the territory of the United States? And are we now merely *re-acquiring* what was once our own, or making a fresh addition to our dominions?

On the 24th of April, 1838, Mr. Preston, of South Carolina, submitted to the Senate a resolution declaring "that the true boundary of the United States, under the treaty of Louisiana, extended on the south-west to the Rio Norte," and this position has been recently assumed by other writers.

The Hon. Mr. Walker, Senator of the United States, from Mississippi, in a letter recently published, addressed by him to the people of Carroll county, Kentucky, has also asserted that Texas formed an original part of that territory of Louisiana, which we purchased from France in 1803.

This pamphlet is one which I shall have frequent occasion to notice, for it presents, in a condensed form, all the arguments in favor of this measure, and I desire it to be understood that in whatever I say in regard to it, I do not intend to depart from that respect due to Mr. Walker's standing and to his official situation.

He insists that by the treaty of February 22d, 1819, with Spain, which settled our present boundary on the south-west of the Republic, and which was confirmed by the treaty of February 12th, 1828, with Mexico, we surrendered to Spain, and subsequently to Mexico, a large portion of Louisiana Proper, which belonged to us by virtue of the treaty of cession made with France in 1803. The treaty of 1819 was concluded by Adams, and ratified in 1821 by Monroe. That of 1828 was made by Mr. Poinsett, and ratified by Jackson in 1832.*

That portion so surrendered he now alleges to be Texas, which he habitually terms "all our own."

This assumption that our government has voluntarily surrendered a portion of its unquestionable territory to the extent of nearly four hundred thousand square miles, that the surrender was made not twenty-five years since to the decrepit monarchy of Spain, and confirmed just fifteen years ago by a fresh cession to the feeble Republic of Mexico; this assumption so offensive to a just national pride, so disgraceful to all the statesmen engaged in the work, proceeds from a gentleman high in office, under that government which he represents so ignorant of its rights, or so incapable to enforce them.

Had the surrender been made fifty years ago, when our limits were uncertain, and the value of the country doubtful, it might be a very possible thing, but to suppose that in 1819 and in 1828, Adams, Monroe, and Jackson, united in the surrender of one-

* See Elliott's Diplomatic Code.

seventh of the territory of the Union to Spain and Mexico, is certainly an hypothesis that does no little credit to the vigor of the imagination that suggested it—to the imagination, for nothing that approaches the dignity of a fact can be found to support the theory.

Mr. Walker commences this portion of his argument by asserting that the treaty of 1819 declares, as respects Texas, that "we *cede* it to his Catholic sovereignty." With proper deference, the treaty says no such thing. The 2d and 3d articles in the treaty are as follows, (Elliott's Diplomatic Code, vol. i. p. 417.)

"2. His Catholic majesty *cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida.*

"3. The two high contracting parties agree *to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line*, (i. e. the boundary formed by the Sabine, Red River and Arkansas) *that is to say:* the United States hereby cede to his Catholic majesty, and renounce for ever all their *rights, claims and pretensions* to the territories lying west and south of the above described line, (i. e. Texas;) and in like manner his Catholic majesty cedes to the said United States, all his *rights, claims and pretensions* to any territories east and north of the said line; (i. e. Louisiana;) and for himself, his heirs, and successors, renounces all claim to the said territories for ever."

It is perfectly evident that here is no cession by the United States of Texas—the difference between the cession of Florida in sovereignty, and the renunciation of all rights, claims and pretensions made by *both parties*, and on *both sides* of the line, is too evident to require any remark. It is a common case of a mutual quit claim.

Besides this misquotation of the treaty of 1819, Mr. Walker's argument consists mainly, if not exclusively of citations from Jefferson, Madison, Pinckney and others, containing declarations that Louisiana, as ceded in 1803, comprised Texas: not an iota of new evidence is introduced. This species of reasoning is evidently of the most fallacious character.

It is quite a novelty to prove a disputed fact by the mere assertions of our own diplomatic agents—it is calling one's own attorney to the stand, and asking him for his view of the case. Equally extraordinary is the endeavor to prove the ownership of Texas by showing that France, when surrendering Louisiana to us, declared that it included Texas.

The true history of the matter is this: Louisiana was ceded to us in 1803, but what Louisiana was, remained still to be determined. Neither the treaty of St. Ildefonso of the 1st October, 1800, by which the province was ceded by Spain to France, nor our treaty with France, of 1803, shed any light whatever on the question. Neither defined Louisiana by any boundaries whatever. The treaty of St. Ildefonso "retroceded to France *the colony or pro-*

vince of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states. "The treaty of 1803, after reciting the above description, ceded to the United States in the name of the French republic, for ever, and in full sovereignty, *the said territory*, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French republic, in virtue of the above mentioned treaty (of St. Ildefonso,) concluded with his Catholic majesty." (Lyman's Diplomacy, vol. i, p. 399.) France, Spain and England had alternately held possessions on the Gulf of Mexico. There had been cessions and retrocessions, and when Louisiana finally fell into our hands, its boundaries, involving those of Florida and of Spanish America, were entirely unsettled. In this state of things, a negotiation was commenced by Monroe and Pinckney, in Spain, in 1805, under the directions of Madison and Jefferson, left unconcluded, resumed at Washington in 1817, by Mr. Adams, under the presidency of Mr. Monroe, and finally closed by the treaty of 1819.

In this discussion, the eastern as well as the western boundaries of Louisiana were the subject of controversy. Spain contended that her possessions of Florida reached to the Iberville, lakes Maurepas, Pontchartrain, and Borgne; while we, on the other hand, contended that Louisiana extended to the Perdido. On the west, a similar difference came into discussion. Spain insisted that she had a right to claim at least to the Sabine, while we declared the Rio Norte to be our westen boundary. This controversy resulted in a compromise.

That our statesmen urged their views with positiveness is true, as Mr. Walker states it, and it is equally true that the Spanish ministers were just as positive and peremptory in their judgment of the matter. The subject is now scarcely worth the trouble, but if any one will refer to the two letters, one written by Don Luis De Onis to the Secretary of State, dated 5th January, 1818, and the reply from Mr. Secretary Adams to Don Luis De Onis, dated 12th March, 1818, declaring respectively the Spanish and American pretensions, he will immediately perceive that the matter was one utterly unsusceptible of any adjustment, except upon the basis of compromise. Resting upon the right of conquest by discovery or occupation, the vaguest principle of the vaguest branch of jurisprudence, going back to the 16th century, relying upon uncertain rumor, reports of travellers and narratives of adventurers, it is perfectly manifest that the two powers adopted the only course which common sense could dictate, in regard to a controversy of this kind, and that abandoning altogether the question of right, they adopted such a boundary as convenience determined. It is worthy of remark, too, that during all the time that this negotiation was open, we did not pretend to make any occupation of Texas, having, as appears by the President's message of 19th March, 1806, confined ourselves to this side of the Sabine.

In his letter of 1st February, 1819, to Mr. Adams, Don Luis De Onis says, (Niles' Register, vol. 17, p. 250,) "I have proved to you in the most satisfactory manner, that neither the Red River of Nachitoches, nor the Columbia, ever formed the boundary of Louisiana, but as you have intimated to me that it was useless to pursue the discussion any further, I acquiesce with you therein, and I agree that, keeping out of view the rights which either power may have to the territory in dispute, we should confine ourselves to the settlement of those points which may be for the mutual interest and convenience of both."

Looking at this brief narrative of the affair, can any thing be more preposterous than at this day to assert as a matter of right, not admitting of denial, that Texas belonged to the United States; that we ceded it to Spain, and that Messrs. Munroe, Adams, Forsyth and Jackson made so vast a surrender of our unquestioned territory.

To talk as coolly of re-annexation as if our right to Texas had never been disputed, and to assume as undeniable a fact which we did not venture to assert in any serious way, either against the exhausted monarchy of Spain, or the infant republic of Mexico, is certainly a novelty in argument.—The effort subsequently made under General Jackson's administration to acquire by purchase the territory of Texas, is if possible a yet more conclusive confirmation that although the United States may in good faith have believed their claim to the Rio del Norte to be valid, still that they perceived that it rested on facts altogether too remote, and on data too vague to warrant its assertion in that peremptory manner in which the claim of territory should always be put forth, and that the dispute could only be settled by compromise.

What would be thought of the conduct of a private individual who, after twenty years litigation with his neighbor about boundary, should definitively establish the line, give and receive mutual releases, make a subsequent offer to purchase a portion of the portion surrendered, and after all this, finally start up and without producing or pretending to have discovered a particle of new testmony, allege that the line was run incorrectly, and that the compromise was a nullity. Obstinate, unreasonable and litigious, would be the most flattering epithets applied to this conduct in private life; and just so obstinate, unreasonable and litigious is this pretence that Texas was once "all our own," and this insidious effort to substitute Re-annexation for a less plausible term.

To show with a little more minuteness the extreme vagueness of our claim in its best aspects, it is sufficient to say that our ministers in 1805 declared our right to depend upon three propositions, the first of which is as follows:

"That when any European nation takes possession of any extent of sea-coast, that possession is understood as extending into the interior country, to the sources of the rivers emptying within that coast, *to all their branches and the country they cover*, and to give it a right, in exclusion of all other nations, to the same."

In ordinary cases it certainly is inexpedient to question our own national pretensions, but can any thing, by possibility, be more uncertain than the principle thus laid down? What is meant by the country that a river or its branches *cover?* What does the Hudson *cover?* What does the Connecticut *cover?* Which way and to what extent is this rule to be laid down? East, west, north or south, to the nearest river, to the nearest mountains, or to the sea? In the particular case the French American claim rests upon the fact that sometime in 1685 the French adventurer of Lasalle discovered the Bay of St. Bernard, or Espiritu Santo, to the west of the Colorado, which river, be it remarked, is at least 100 miles from the mouth of the Rio Bravo, and that Lasalle, by so doing, a cquired a right to the Rio Norte and all the country which it *covers.* This was the trump card in our hand, and if any one will look at the map and undertake to say what the Rio Norte covers, and why it does not cover Mexico as well as Texas, he will at once perceive why the Spaniards did not throw up the game.

Robertson relates that Balboa, one of the Spanish discoverers, when he first saw the Pacific ocean, "advancing up to the middle in the waves, with his buckler and sword, took possession of that ocean in the name of the king his master, and vowed to defend it with these arms against all his enemies."*

Balboa was more sensible than the assigns of Lasalle, for one can tell at least what an ocean "*covers.*"

Lasalle was sent out to find the mouth of the Mississippi and establish a colony there. He missed his aim and struck the coast of the Gulf far to the southward. One of his vessels returned to France, and two were wrecked. He established a temporary colony near the Bay of St. Bernard, and set out himself to find the Mississippi. On the journey he was assassinated by his own men, and the Indians fell upon his colony and destroyed it. This is the basis of the French claim.†

The absurdity of this matter of "re-annexation" is the more apparent, when we consider the boundary as claimed by Texas. The act of December 19, 1836, (Moore's description of Texas, p. 5,) defines this boundary as follows:—"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande, thence *up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning.*"

So that Lasalle, wrecked in 1685 in the Bay of St. Bernard, or Espiritu Santo, 100 miles to the north of Rio Norte, discovered and obtained for his royal master, the King of France, and for us as his ultimate grantees, just precisely the territory enclosed

* Robertson's America, vol. i. book iii. p. 275.

† Sparks' Life of La Salle, in Library of American Biography.

by the said Rio Norte, a due line north, a parallel of latitude, and an arbitrary boundary composed of the Arkansas, Red River, Sabine, and three other due north and south lines, agreed upon by a treaty made 150 years subsequently. The "Brother of the Moon" has no pretensions superior to these.

Away with all these legal quibbles. If we are to have Texas, let us take it with an open front—assign the real reasons which impel us to the act, and not rely on a subterfuge so manifest.

It is pleasing, after seeing propositions like these put forth under the name of the Law of Nations, to find that the great authorities in that branch of jurisprudence talk the language of common sense. "It is questioned," says Vattel, Book i. chap. xviii. "whether a nation can by the bare act of taking possession, appropriate to itself countries which it does not really occupy, and thus engross a much greater extent of territory than it is able to people or cultivate. * * Such a pretension would be an absolute infringement of the natural rights of men, and repugnant to the views of nature. * * The law of nations, therefore, will not acknowledge the property and sovereignty of a nation over any uninhabited countries, except those of which it has really taken actual possession, in which it has formed settlements, or of which it makes actual use."

The question then is simply this. Shall this vast government, still claimed as a province by Mexico, equal to one-sixth or one-seventh of our present extent, be added as a slave-holding territory to the United States. Shall the materials for five or six states as large as Kentucky, all recognizing and tolerating slavery, be added to the southern portion of this confederacy?

This question we are now to consider.

The different heads are naturally—

The constitutional power of the federal government to admit independent foreign states into this Union.

The effect of the annexation, if constitutional, on our relations with Mexico and other foreign powers.

The effect of the annexation as an extension of our territory, and on our commercial interests.

The effect of the annexation upon slavery.

The effect of the annexation upon the Union.

Of these the constitutional question is first in order.

Has the federal Government the right under the Constitution to admit a foreign state into the confederacy?

The right, if it exists, must either arise under the general treaty-making power, or it must be found in the third section of the fourth article of the Constitution, which is in these words:

"Section 3d.—1. *New States may be admitted by the Congress into this Union;* but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

"2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

That is to say, it must either exist (1.) in the President and two-thirds of the Senate, or (2.) in a majority of both branches of Congress with the concurrence of the Executive; or (3.) in the act of a State, with the concurrence of Congress.

Mr. Walker says the power is three-fold, and that the object can be accomplished either by a treaty for the admission of Texas; or, secondly, by an act of Congress; or, lastly, that any one of the Southern States can amalgamate itself with Texas, with the concurrence of the government of the Union.

The latter supposition it will be time enough to consider when Louisiana or Arkansas shall propose to sink itself into Texas. In the meantime let us see whether either the treaty-making power or Congress is competent to admit foreign states into this Union.

It must be, in the first place, admitted that the treaty-making power cannot admit a foreign State *as a State* into this Union. The admission of States as such is exclusively reserved to Congress, and the idea will never be tolerated, that the general words of the treaty-making power can absorb any specific authority conferred upon Congress.—Every power that is distinctly and definitively conferred upon Congress can be exercised by the two Houses alone. A different construction would vest all the powers of the government in the President and Senate. If Texas is therefore to be admitted by a treaty, it must come in as a territory, to be erected afterwards as a State, according to the good pleasure of Congress. The power to introduce it as a territory, independently of the precedents of Louisiana and Florida, admitted as territories in 1803 and 1819, rest mainly upon the rights of sovereignty, the right of conquest, and the right to determine boundary. It is contended that the right to acquire new territory is a right incident to sovereignty. The rights and powers of the government of the United States over the people which it rules, are not to be sought in books of feudal law or national jurisprudence.—They are to be found in that constitution which created, and which limits it. There is no such thing as an incident of sovereignty unless it be found in the constitution. To suppose that the President and Senate can exercise powers of this kind under the notion that they are incident to sovereignty, is to fall into the very difficulty that the constitution was intended to avoid. What becomes of all the limitations imposed upon the central government, if not merely that government, but a portion only, and its smaller portion can exercise such powers as this on the pretence that they are incidents of sovereignty. No color can be shown for this pretension, unless it be conclusively established that the power demanded is essential to the existence of the government.

Such necessity must either grow out of conquest or the necessity of establishing boundaries. Since when has it been established that this government was formed with the idea of conquest, or that it is susceptible of extension in that mode? Can this government constitutionally obtain colonies contiguous or remote, foreign States or distant islands? The very nature and structure of the government forbid the idea. It is a great partnership formed for union, common defence, and general welfare, and was never intended to possess all the ancient oppressive and dangerous attributes of sovereignty. Whenever this government, instead of confining itself to the care of those whose ancestors framed it, shall commence a career of warfare for the purpose of territorial acquisition, so great a departure from the intention of the original parties to the compact must be supported by a new grant of power, by an enlargement of the charter under which it now acts. War is one thing, conquest is another. War may be inevitable; a warlike spirit is in some respects honorable; but the spirit of conquest is the concentration of tyranny and injustice. When this nation becomes animated by it we may bid farewell to our present form of government. On the doctrine of conquest, the acquisition of territory by the treaty-making power can never be sustained.

The right to fix boundaries is next insisted upon, and it is declared to be essential that the treaty-making power should possess the authority to cede or to acquire territory, and that unless this is so, no boundary could ever be adjusted, and an opening would be left for perpetual dispute with bordering nations.

The right of fixing a boundary may indeed belong to the treaty-making power where our boundary is uncertain, but such a right necessarily involves neither cession nor acquisition. It is precisely because the boundary is uncertain, and the right to the soil not susceptible of being positively determined, that the treaty-making power is authorized to act. In such a case it neither cedes nor acquires; it relinquishes no *right:* it simply effects a compromise based upon the impossibility of determining the right. But to say that the treaty-making power can either cede territory unquestionably belonging to the republic, or acquire territory as unquestionably belonging to a foreign power, is assuming the whole matter in dispute.

In this way the right to acquire Texas would be a right to cede Iowa, and it is beyond dispute that the control of the territory of the United States belongs to Congress and not to the President and Senate. That the President and Senate could not cede a portion of one of the sovereign states of this Union, whether for the purpose of fixing boundary or any other, is too plain for discussion; and the power of the State over its own soil is not more clear than the authority of Congress over the territories. The President and Senate, therefore, can as little cede the unquestionable territory of the United States for the purpose of fixing a boundary, as for any other; and the right of acquiring

territory for a similar object is equally unmaintainable. But what avails this discussion? Is it pretended that Texas is to be annexed for the purpose of fixing a boundary line? The boundary between Mexico and the United States is but recently established, and following, as it does, in nearly all its extent rivers and parallels of latitude, it is almost as precisely defined as the Atlantic coast. In such a case, therefore, to talk of the right to seize a territory one-seventh as large as the whole Union, as resulting from the power to fix a disputed boundary, is a perfect non-sequitur; it is a pure legal absurdity.

The precedents of Louisiana and Florida are cited. Neither executive nor legislative precedents prove any thing against the Constitution. It is idle to suppose that the limited powers of a government like ours can be enlarged by precedent; the doctrine is contrary to every just principle of constitutional law. Precedent is only resorted to where it is desirable to have a rule settled, and where uncertainty is the greatest evil to be deprecated. Such is the foundation of Judicial Precedents. But neither the legislative nor executive branch of the government have the slightest power to control the action of their successors by their decision on a question of constitutional law. If this were otherwise, the charter would be already abundantly interpolated. We shall see, however, before closing this view of the subject, that the above cited precedents, such as they were, are greatly weakened by the decisive opinion of Mr. Jefferson against the constitutionality of the measure.*

The next question that arises is, whether Congress has the power to admit a foreign State into the Union.

"New States may be admitted by the Congress into this Union." Is it by this clause meant to give Congress the authority to form new States out of the territory belonging to the Union in 1787, or has Congress the right under this clause to introduce foreign powers into this confederacy? We answer without hesitation that the whole burthen of the argument is against the enormous power contended for, and in favor of its restriction to the territory belonging to the Union in 1787. If it is asked by what the general words "New States" is to be limited, we reply by the whole tenor of the instrument, by the history of its formation, and by the very sense and nature of the thing.

By the tenor of the instrument—the very words "*New States*" imply the idea of states yet to come into existence, and cannot

* In the case of the American Ins. Co. & al. *vs.* Carter, 7 Peters, 542. Chief Justice Marshall said, "the Constitution confers absolutely on the Government of the Union, the power of making war and of making treaties, consequently that government possesses the power of acquiring territory either by conquest or by treaty." The opinions of that eminent Judge are in all cases entitled to great consideration, but in this case the question was not discussed, and the remark was purely obiter. The question was, in what light the inhabitants of Florida stood to the laws of the United States, when the territory was ceded; the validity of the treaty was admitted on all sides. None of the counsel denied the right of the United States to acquire territory either by conquest or treaty.

without palpable violence be supposed to include independent foreign powers. The third section of the fourth article appears to be intended for the express purpose of applying to the territory of the United States, not at that time included in the Union. Construed in this way that section is harmonious and intelligible. The first clause of the first subdivision provides for the erection of States, with the restriction, that the boundaries of the then existing States, should not be altered without the consent of their respective legislatures; while the second subdivision vests the absolute sovereignty of all territory, until subdivided into States in the Federal Legislature. It cannot be imagined that it could have been intended to include any power so enormous as the one now claimed, in the general words "New States." The power is now insisted upon for the purpose of admitting Texas, but it will apply just as well to any sovereignty in the old world or the new. It applies to Mexico, to Paraguay, to England, or to Russia, precisely as well as to Texas; we are not at liberty to impute to the framers of the Federal Constitution any construction so wild as this.

Looking at the history of the instrument the objections are equally insuperable. It appears by Mr. Madison's history of the debates, that not a word is said except on the subject of the formation of *western* States out of our then western territory. Though a jealousy of the west is very manifest, still so little did the views of that day keep pace with the future, that the Mississippi is not even spoken of. How little the members of the convention thought of our empire passing that river, is manifest. This too is corroborated by the fact, that the articles of confederation of 1778 contained a distinct provision for the admittance of Canada. In 1778 it was still hoped that Canada might join the confederacy, and the door was kept open for her admission; but eleven years later, when our present constitution was framed, all sympathy with regard to Canada had died away, and it will be found on a careful examination of the debates, that no allusion whatever is made to the admission of Canada, and that the only subject of interest was the admission of States to be framed out of the great western territory.

How in the nature of things can it be supposed that the States of this confederacy would give to any chance majority in Congress which party spirit or corruption might control, the power of introducing foreign States into the Union, a power capable of changing at one blow the whole nature of the confederacy, and place the freemen of the north at the mercy of the Spaniards of Mexico, or the mongrels of South America. To *annex* may prove *to be annexed.* Change the relative proportions of population and the right of annexation amounts to a right to re-transfer us to colonial vassalage.

There are other arguments also to be considered. The Texan debt is about six millions of dollars. (Kennedy's Texas, vol. ii. p. 379.) Can this be assumed by Congress? We are told, and

very rightly, that the Federal Legislature can do nothing to relieve the burthen pressing on the dishonored States—can do nothing, in this respect, for the national honor.

And is the same body authorized to assume the debt of a foreign government, and to impose six millions of taxes on the people of these States for the benefit of another country? Assumption of State debts is denounced as a monstrous violation of the constitution, but the assumption of Texan debt is a matter of course. How are these things to be reconciled?

But suppose all these difficulties are surmounted, and how stands the case? The treaty-making power cannot admit a foreign State except as territory; and Congress cannot form a new State, except from territory. How much further advanced are we, then?

The argument, in its best aspect, resolves itself into this: that although the treaty-making power cannot annex a foreign State as such; although Congress cannot admit a foreign State as such; yet, that the treaty-making power may admit a foreign State as territory with the avowed object that it shall be thereafter admitted as one or more States into the Union, and that Congress can then proceed to consummate the transaction.

Than this, a more palpable fraud on the constitution cannot be imagined; it is a clear violation of its whole spirit and intent: it is a paltry subterfuge, far worse than an open, direct, and arbitrary violation of the instrument.

The precedents remain to be considered. Mr. Jefferson concluded the treaty of 1803 for the purchase of Louisiana. Great public policy was supposed to require the act. But it is well known that he conceived it a violation of the constitution. It is not, however, so familiarly understood that he actually drew an amendment to the constitution for the purpose of overcoming the case.

In his letter to Mr. Breckenridge, of the 12th of August, 1803, he says:

"This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to the *nation* for an additional article to the constitution, approving and confirming an act which the nation had not previously authorized. *The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the constitution.* The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves, had they been in a

situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; and saying to him when of age, I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the constitution, by more strongly marking out its lines." vol. iii. p. 512.

Again, in his letter to Mr. Lincoln, of the 30 August, 1803, he says:

"On further consideration, as to the amendment to our Constitution respecting Louisiana, I have thought it better, instead of enumerating the powers which Congress may exercise, to give them the same powers they have as to other portions of the Union generally, and to enumerate the special exceptions in some such form as the following:

"Louisiana, as ceded by France to the United States, is made a part of the United States, its white inhabitants shall be citizens, and stand, as to their rights and obligations, on the same footing with other citizens of the United States, in analagous situations; save only that, as to the portion thereof, lying north of an east and west line drawn through the mouth of the Arkansas river, no new State shall be established, nor any grants of land made, other than to Indians, in exchange for equivalent portions of land occupied by them, until an amendment of the Constitution shall be made for these purposes.

"Florida, also, whenever it may be rightfully obtained, shall become a part of the United States, its white inhabitants shall thereupon be citizens, and shall stand, as to their right and obligations, on the same footing with other citizens of the United States in analagous situations.

"I quote this for your consideration, observing that the less that is said about any constitutional difficulty, the better; and that it will be desirable for Congress to do what is necessary, *in silence*." vol. iv. p. 1.)

Mr. Forsyth, in his letter (already quoted) to the Texan envoy, declining his application, used this language:

"The question of the *annexation* of a foreign and independent State to the United States has never before been presented to this govenment. Since the adoption of their Constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them, this government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well being of all, imperatively urged upon this government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honor should be perilled by adhering to it, we patiently endured for a time serious

inconveniences and privations, and sought a transfer of those regions by negotiations, and not by conquest.

"The issue of those negociations was a conditional cession of these countries to the United States. The circumstances, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan governments, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a State with an independant government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on the region ceded by France, in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a State, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate."

But supposing the power to exist, supposing that by means of a treaty, an independent foreign State can be amalgamated with this republic, what explanation is offered for the extraordinary manner in which this object has been recently attempted? It is alleged and not denied that this government has solicited the admission of Texas to this Union; that this has been done with all possible secrecy, and that it was the intention that a treaty to this effect should be secretly signed and submitted to the senate for ratification before any public opinion could be brought to bear upon the matter.

Such a proceeding is as novel as it is dangerous. That the Executive of this Union should, without any application from either branch of the legislature, solicit a foreign power to enter this confederacy; that he should do this with elaborate secrecy; that he should do it without any urgent necessity whatever, is the most audacious stretch of executive power that this country has ever witnessed.

But it is far worse than audacious. To endeavor to dispose of such a question without any consultation with the people; to spring this trap upon the Senate, and thus in the dark to change the whole aspect of our domestic and foreign policy, is a gross violation of the confidence reposed by the people in the Executive. It was not for deeds like this that the treaty-making power was conferred upon the President and Senate. If Texas be admitted, there is but one way in which it can be done. After an ample discussion, after elaborate investigation, if the people of this country can find arguments for its support, this darling measure of the Executive may be carried; but to suppose that such an object can be accomplished in silence and secrecy, that this conspiracy against the people and their representatives can triumph, is quite as absurd as it is audacious.

Dogmatism is neither wise nor proper on any matters, least of all on topics of constitutional law. But I think that on a careful review of this subject, it must be manifest that the most serious

doubts rest upon this alleged power, and those who are in favor of restricting the perpetual aggressions of the central authority will do well to pause before they tacitly admit that the federal government is clothed with this vast and dangerous prerogative. Stepping then beyond the constitutional question, we proceed to consider the subject in other aspects.

The proposal to annex Texas is, in other words, to acquire for ourselves a large territory claimed by a foreign State with whom we are at profound peace. Texas, in 1835, formed a constituent part of Mexico: her settlers had voluntarily sought her jurisdiction. Mexico had never acknowledged her independence; neither our recognition nor the recognition of the European powers settles or pretends to settle the question of right as between Mexico and Texas. Mexico has at this moment a perfect right, by the laws of war, to invade Texas, and, if possible, to subjugate her. She has, moreover, announced her intentions to do so. In November last the instructions from M. Bocanegra to General Almonte contained the following paragraph in reference to the interference of our government.

"Setting out with these deep convictions, his Excellency the Provincial President feels himself bound to hinder an aggression, such as this will be, unexampled in the annals of the world, from being consummated; and were it indispensable that the Mexican nation should seek, even through the disasters of war, the safety of its rights, it must make that last appeal to the Most High, to Justice, and to its own courage."

We are, therefore, now called upon for the first time in our history, against the advice of Washington, and abandoning the settled principles of our government, to embroil ourselves in a dispute between foreign powers. Can this be done with safety? can it be done with good faith? When the first application was made by Texas in 1837, Mr. Forsyth, in a letter already referred to, and which does equal honor to him and to Mr. Van Buren, placed our refusal distinctly upon the ground of good faith to Mexico. In that letter he said:

"The United States were foremost in acknowledging the independence of Mexico, and have uniformly desired and endeavored to cultivate relations of friendship with that power.

"So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be ever reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico; a disposition wholly at variance with the spirit of

the treaty, with the uniform policy and the obvious welfare of the United States."*

Has any thing occurred in the six and a half years that have elapsed since the date of this letter to alter the rights of the case? If it be said that the period of the time, the feebleness of the Mexican government, the growing strength of Texas, have greatly diminished the probability of her return to Mexico, does that furnish any answer to the charge of bad faith as regards ourselves? What have we to do with the weakness of Mexico or the strength of Texas? Mexico points to the treaty, which declares "that there shall be a firm, inviolable and universal peace, and a true and sincere friendship, between the United States of America and the United Mexican States." [Elliott's Diplomatic Code, vol. ii. p. 28.] She declares that Texas is "all her own," to use Mr. Walker's favorite expression, and insists that we shall not interfere to decide a quarrel of which neither God nor man has made us the arbiters. In the face of this, to annex Texas, is a direct violation of the treaty; an unfriendly, and a hostile act.

But more than this: it is perfectly notorious that the Texans levied forces and raised money in this country for the purpose of resisting Mexico, against our own laws and in violation of our treaties with the Spanish Republic. The federal government excused itself on the ground of its incapacity to check those outbreaks of popular sympathy. The apology is at the best not very honorable. But our conduct becomes vastly more suspicious when we avail ourselves of the very consequences of our own neglect or impotence, when Texas, revolutionized by the illegal acts of our own citizens, is annexed to our dominion on the plea of an independence established by those same illegal acts. What apology is pretended for this breach of faith? None whatever. The advocates of the measure do not even seek to excuse it: they rely entirely upon the inability of Mexico to resent or avenge the wrong.

A war with Mexico is talked of as if it were the easiest and simplest thing in the world, to be carried on without difficulty or expense, and the triumphant result of which would be certain and speedy. And these are the gasconading predictions of a people who have spent six or seven years, and expended forty millions of dollars in order to drive a handful of Indians from our own territory. A war with Mexico would let loose upon us the privateers of the world—and in what a strife should we find ourselves engaged—commencing with a breach of treaty, waged for the maintenance of territory unjustly acquired, having for its avowed result the extension of slavery, accompanied with ruinous expense and destruction to commerce—can any man in cold blood contemplate with indifference the prospect of such a contest? "Fortune," says Napier,† "always asserts her superiority in war,

* Mr. Forsyth's letter to General Hunt, 25th August, 1837.
† Hist. of Peninsular War, book, 24, chap. 6.

and often from a slight mistake, such disastrous consequences flow, that in every age and every nation the uncertainty of arms has become proverbial. * * Napoleon, the greatest man of whom history makes mention—Napoleon, the most wonderful commander, the most sagacious politician, the most profound statesman, lost by arms Poland, Germany, Italy, Portugal, Spain and France. Fortune, that name for the unknown combinations of infinite power, was wanting to him, and without her aid the designs of men are as bubbles on a troubled ocean." There is a far higher philosophy and a deeper moral than this passage contains; but perhaps its practical wisdom will recommend it to those who cannot see the finger of God in the affairs of men, and who regard nations as discharged from the obligations of natural justice. Mr. Walker declares that "the wrath of this indignant nation shall roll like lava in fiery torrents over the political graves of those who oppose the admission of Texas." This, to say the least of it, is more vehement than argumentative or conciliatory. The gift of prophecy is not given on many subjects to modern mortals, and I doubt whether Texas is an exception. Mr. Walker will perhaps find that the monuments which he proposes to raise for those who oppose this project, may illustrate very different destinies. I envy no politician the honor of being hereafter pointed out as the statesman who plunged this nation into war for the purpose of acquiring Texas; still less do I envy the reputation of any man who in the nineteenth century, with the experience of this country and of the world before his eyes, ventures to add new slave territory to this Union.

Suppose, for a moment, that Texas belonged to England, to France, or to any first-rate European power. Does any man in his senses suppose that the advocates of annexation would venture upon the measure? We should then hear abundantly of honor among nations, the faith of treaties, and all those sounding phrases that statesmen are so wont to use when too feeble or too timid to disregard them. We make treaties with England, surrendering a portion of our territory—we leave the Oregon in her grasp—The Caroline is unavenged—we spend a whole generation in soliciting from France the payment of an acknowledged debt—but we dismember Mexico, and wrest an empire from her dominion, without pretext or apology.

The maxim of Rome, "*parcere victis debellare superbos,*" well befitted a high spirited nation. With us it seems the rule is reversed. We give way to the powerful and oppress the weak. Is there, then, no such thing as faith among nations? Are promises but mere words, and treaties scraps of parchment? With the dishonored bonds of so many of our sister States staring us in the face, overwhelmed by the taunts and reproaches of creditor Europe, are we prepared to enter, as a nation, upon a course of bad faith, conquest and plunder? What is to be the consequence of this proceeding? If Mexico resists, our commerce will be at once the object of the piratical depredations of the privateers of

all countries, and we shall pay bitterly for our acquisition. A war with Mexico would be in many respects worse than a war with England herself. In the latter we should have at least a chance of winning laurels and prizes; with Mexico no glory can be earned and she has scarcely a dollar afloat—while the privateers, the legalized pirates of all mankind would sweep our commerce from the seas.

If Mexico submit, or succumb, after a fruitless resistance, how manifest is it that we are committed to a career of conquest. We are already told that the "young Eagle of America is pluming itself for its returning flight." Who shall say where that flight will stop? The unsettled spirits of the west, finding their first efforts crowned with complete success, will at once turn their eyes upon the fabled treasures of Mexico herself; and we become involved in a struggle the consequence of which no man can predict. Nor does the violent or aggressive character of the measure much depend upon its being consummated with or without the assent of Mexico, unless that assent be freely, fairly and voluntarily given. If yielded under a threat, if that Republic despair of resistance, the act is precisely as violent, oppressive and overbearing as if done under our guns.

But unless the annexation is effected with the consent of Mexico, a contest with that power is inevitable; and this simply because the western boundary of Texas is entirely unsettled. Texas, the independant State, is no more Texas, the province of Mexico, than the United States of 1844 are the thirteen colonies of 1776. Texas now claims, as we have already said, to the Rio del Norte. As a province, she did not touch that river. This will be seen by a reference to the map of Mexico in Mr. Ward's work, and also to Austin's map of Texas. In adding Texas, therefore, we do not only take one province of Mexico; we take, in fact, three other provinces. We take parts of Tamaulipas, Chihuahua, and Santa Fe, or New Mexico. The late Santa Fe expedition, so well described by Mr. Kendall, aptly illustrates this matter. Santa Fe is a great Mexican depôt. But Santa Fe lies to the east of the Rio del Norte, and therefore, according to the new limits of Texas, belongs to her, and to occupy it was the object of the expedition just spoken of. In taking Texas, therefore, we take Santa Fe. We not only take Texas, but the conquests of Texas. We add to our dominions one hundred and fifty thousand souls now willing subjects of the Mexican confederacy.* And this is done under the name of *Texas;* this is done under the plea of original discovery; under the term of re-annexation. Away with these miserable subterfuges. If we have the avidity, let us have the port of conquerors; let us not go out to rob in the garb of a special attorney; a national compound of Dick Turpin and Oily Gammon, uniting plundering and pettifogging in a new motley of crime.

* Kendall's Santa Fe, vol. i. p. 16.

But it is impossible to suppose that that government will consent to this. If she patiently acquiesce her days are numbered, and even our generation may well see Mexico itself in the grasp of this Republic. No people can submit to such an aggression—no people will.

There are two other matters connected with this branch of the subject, not unworthy of attention. Will England look silently on this vast increase of territory? If this question be asked without reference to the merits of the annexation, I do not think it requires an answer. If the acquisition of Texas be right in itself, if both republics assent, and Mexico do not dissent, England has nothing to do with the matter. This nation should never act, or hesitate to act, from fear of any power on the face of the globe. The States of Europe have no right, uncalled for, to interfere with the free governments of this hemisphere, and they have at present as little disposition. I put this, therefore, altogether out of view.

How far England would directly or indirectly assist Mexico if that Confederacy claimed her aid against an alleged violation of her rights, is a very different question. War, though a very great evil, is by no means the greatest of ills. Its character and its effects depend on its origin. Like the other scourges of the Almighty, it is not always unattended by beneficial results. High motives, national impulses may not only ennoble the contest, but may make it bring forth great positive good in its effects on national character—from such a war he is no good citizen who would shrink whether with England or any other power that ventured to infringe our rights. But a war of conquest—an unjust—an unholy war is a very different thing. In such a contest we should not merely fear to engage with England, but with the feeblest state that has an independent existence. A war waged with Mexico for conquest and plunder, based on no national interests—appealing to no national feeling—with a divided people and embittered factions, would be a hateful—a detestable contest, and whether Mexico were assisted by England or not—equally pernicious to this country. No man need hesitate to avow his fears of such a war.

But we are told that England will go even farther than this—that we must seize Texas to prevent her falling into the arms of that power—to prevent her becoming an English Colony, and this is undoubtedly the most plausible of all the reasons assigned for the measure.

The strength and policy of England are viewed by this country with just jealousy. I have no intention of joining in any common or vulgar cry against that great nation. It is because she *is* great—great in her history and her promise—in the genius of her nation and her prodigious achievements that she must always be our most formidable rival. Wielding a power for its resources, concentration and extent far greater than any which the world has ever seen, she seems urged on by an insatiable lust of

dominion. With her foot on either hemisphere, she endeavors to grasp at the dominion of the seas. At home, her government, mainly in the hands of a landed aristocracy, listens with reluctance to the miseries of her own people. Ireland and the East show the severity of her colonial rule; and we ourselves sprung from her loins, are the only people that in equal contest have ever foiled her. The idea therefore, that England looks to the acquisition of Texas as a colony, that she contemplates hemming us in on both sides, on the St. Lawrence and on the Gulf of Mexico, is calculated to arouse our national suspicions to the highest point. If such a design were avowed, I, for one, should make no opposition to the acquisition of Texas. The aspect of such opposition would wholly change, most important national interests would be placed in peril, and in the choice of desperate evils, extended slavery, a violated constitution, and broken faith on one side, and independence jeoparded, and self-preservation, on the other, it is not difficult to predict what the general voice of the nation would decide.

This feeling the advocates of annexation well understand, and they make an artful appeal to the prejudices and fears of the whole people. But what ground is there for the apprehension? What reason to suppose that England will undertake such a scheme, or that we cannot prevent it? More than twenty years ago, when the Spanish republics were just struggling into existence, President Monroe made his celebrated declaration, that "any interference on the part of the great powers of Europe, for the purpose of oppressing or controlling the destiny of the Spanish American States which had declared their independence, would be dangerous to the peace and safety of the United States, and would be considered as the manifestation of an unfriendly disposition towards them."

That declaration, it is well known, produced a serious impression, and had an immediate effect upon the policy of the Holy Alliance.*

Are we weaker now than we were then? or less competent to prevent unjustifiable interferences with foreign powers?

Great Britain desires no war with this country. Her acquisitions in the East are but a trifling exertion of her force; she has abundant reasons for avoiding hostilities with any first-rate power. Her policy, both as regards Europe and this country, for the last fifteen years has been marked by a steadfast desire for peace. What reason is there to suppose that she will endeavor to possess Texas at the hazard of war with this country? A declaration in the tone this Republic once knew how to use, would effectually put a stop to any such intention, even if it existed.

But it manifestly does not exist. During the six and a half years since Texas declared her independence, Great Britain has done nothing, even for the purpose of establishing a strict alli-

* Stapleton's Life of Canning, vol. ii. p. 38.

ance between herself and Texas. She might have offered bounties upon Texan cotton; she might have colonized her with emigrants; she might have made her peace with Mexico; she might have lent her money; she might have endeavored to undermine her slavery; she has done nothing of all these things that she might have done. If these six years had been well employed under the guidance of such a policy, and without resistance on our part, annexation would already be impossible. That they have not been so employed, is conclusive proof that Great Britain entertains no designs hostile to the independence of Texas, or prejudicial to the interests of this country. It is very possible that some of the English Anti-Slavery Societies may have shown a disposition to intermeddle in the affairs of Texas. But this is wholly distinct from any governmental action, and while we are daily holding Repeal meetings and hanging O'Connell juries in effigy we perhaps cannot with a very good grace find any great fault with the unofficial (though very officious) intermeddling of private individuals in foreign countries.

On the other hand, Texas cannot be colonized by England without her own consent, and are we really to suppose that the new republic, peopled by the sons of the West, more instinct perhaps with "the fierce spirit of liberty" than any other citizens of this Union, is ready to reduce itself to colonial vassalage, to receive governors, armies, and surrender itself to the legislation of England? The idea is an insult to Texas and to common sense. It has been said that Texas cannot exist without attaching herself to some greater power. Why not? We have abundant assumptions on this subject, but very little argument. Texas is not threatened by any foreign power. She scarcely needs a government. All that she requires is the guaranty of this country that she shall not be oppressed by the European powers, and that guaranty she possesses in our own interests. Whether as a sister State, or as a foreign State, she will be a formidable rival to the planting States of the Union, and in many respects it is more for her interests not to annex herself to any other power. In many respects it is certainly the interest of those States that Texas should not be fostered by the Federal government. Whatever is done for her, is evidently at the expense of the southern States, which produce similar products on inferior soils. "It is only necessary," said a report of a committee of the Legislature of Tennessee last year, "that the ground should be assumed and maintained of non-intervention by any trans-atlantic power in the domestic institutions of Texas."

That the commercial relations of Texas and England may hereafter become more intimate, is indeed possible, though this depends on ourselves; but, are we to seize upon all the territory on the Gulf of Mexico that can offer cotton or sugar in exchange for the manufactures of England? Texas is only a portion of the coast bordering on the Gulf of Mexico. The Mexican provinces of Tamaulipas, Vera Cruz, Tabasco, and Merida, the Republic of

Central America, for hundreds of miles, furnish the materials of similar arguments. All that coast will supply products rivalling our own, and that England may desire. The same line of coast will furnish abundant consumers of English manufactures. If we annex Texas, the course of events is evident. We are pledged to a career of conquest, we are pledged to seize every fertile spot north of the isthmus of Darien, and to pause only on the shores of the Pacific. That this career, beginning in bad faith, nourished by cupidity, and proceeding in violence, is calculated to nourish republican virtue, or to strengthen our present form of government, it requires no little credulity to believe. And who is to bear the burden and to pay the expenses of these wars? The hardy sons of the West, misdirected by crafty statesmen, furnish indeed the materials of heroic armies, but with what composure will the industry of the North see debt increased, and taxes levied for southwestern acquisitions? The manufacturers and the miners of the North will find a heavy offset against the abundant sales of their products, which Mr. Walker, in behalf of Texas, guarantees to them. The whole argument resolves itself into this—shall we commit a flagrant wrong for the sake of a temporary expediency? Shall we do what is evil, that good may come? The history of mankind, the fate of empires, and that eternal rule of right to which both nations and individuals are subject, furnish an answer to the question.

What will be the probable effect of this measure upon the Union?

The annexation of Texas will add about one seventh to the present extent of our territory, and in this light the question certainly deserves consideration. In theory, such a confederacy as our own is scarcely susceptible of limits, but in practice the difficulties are manifestly serious.

The mere extension of territory has in itself perhaps nothing very formidable. Our internal communications have been so greatly modified by the influence of steam, that the Union now, as far as time and distance are concerned, is scarcely so large as when it only embraced the thirteen States; but the extension of territory necessarily involves an increased diversity of interests, and this, when the peculiar character of our government is regarded, is always a subject of serious consideration. In itself the federal government has extremely little strength. Wielded by such a President as Jackson, a man of sound sense, undaunted courage, and great popularity, the federal government assumes for the time an appearance of power. When engaged in war, and sustained by the voice of the nation, the confederate authorities may acquire sufficient strength. But in time of peace, in its ordinary condition and administered by an executive without any peculiar hold upon the popular sympathies, the federal government, for all purposes of internal coercion or restraint, is all but impotent; a just jealousy of consolidation always hampers and cripples it. The great vice of the government is our violent party

spirit; that vice which Washington foresaw, and against which his last warning was given; that which was the prominent evil of Rome, of Greece, of Holland, of all ancient and modern Republics, is our great calamity. This spirit of party, sordid, blind and selfish when carried to extremes, finds its choicest aliment in the local interests and sectional prejudices with which every country abounds. Those interests and prejudices necessarily increase with every extension of territory, and it is in this light that every great augmentation of the Union becomes formidable.

With a strong and wise central administration, where such a thing is practicable, a diversity of interests leads to strength; in a government ruled by party, such a diversity engenders faction. Now in this point of view, what is likely to result from the annexation of Texas? Entirely new interests are introduced into the Union. Leaving out of view for the present the great increase of the slave-holding class, a perpetual source of discord, with Texas we have a great new south-western interest brought into the government, in many respects entirely different from any which it now contains, and which in some shape or other will abundantly increase the sources of confusion. The interest of the cotton-growers of the wasted plains of South Carolina cannot be identical with those of the virgin soil of Texas, and Alabama and Mississippi will shortly find themselves engaged in a similar competition. The settlers upon the Rio Bravo will soon have interests distinct from those who line the Mississippi; while the hostility to Mexico, the trade with Santa Fe, and the increased pressure upon the Oregon question, will all unite to distract our national councils. Mr. Walker tells us that Texas gives us the trade with *Santa Fe*—which it will be recollected not only lies far beyond the original bounds of the province of Texas, but is equally without her present authority.

Some strong necessity or great advantage must be shown to counterbalance these evils. Mr. Walker says the present line carves the valley into a "*shape actually hideous.*" A better argument for an artist than a statesman. It is a new exemplification of "the sublime and beautiful." But what is the *necessity?* The first argument is one growing out of the alleged insecurity of our western frontier. That frontier is defined mainly by three rivers; the Sabine, the Red river, and the Arkansas. This line approaches upon the Red river to about one hundred miles from the Mississippi, and it is seriously urged that in case of an invasion by England, she would march through Texas, along the Sabine, through a desolate country, more than two hundred miles, occupy the Red river, float down that stream to its junction with the Mississippi, cut off the connexion maintained by that river, and place New Orleans at her mercy.

The safety of that city is always to be regarded with a lively sensibility, and its narrow escape in 1815 has a tendency to keep alive our apprehensions. If this idea is urged with reference to the acquisition of Texas as an English Colony, it has

been already answered. This country never ought to permit, and never will permit Texas to be held or occupied by England in any way. The idea is utterly inadmissible, though even in that case the present theory seems altogether unwarrantable. The name of Jackson has been invoked to support it; and certainly the opinions of that statesman on a military question, connected with the defence of the west, are entitled to the greatest deference.

But, with all that deference and respect, it is impossible to see any plausible ground for this apprehension. It seems the last spot in the whole extent of our territory likely to be thus attacked, and the most defensible against any invader, hardy enough to approach it. The difficulty of landing, in the first place, any very large body of men at any point on our coast, where they have to be followed by ordnance and provisions, is a very serious one.* How is any tolerable commissariat to be maintained on the line of two hundred miles from the Gulf of Mexico to the Red River? How many days would a hostile army be occupied in marching through this wilderness? While, on the other hand, what are our resources for defence, and how should we, in the meantime, be occupied during the advance of the invaders? Down the Ohio, the Missouri, the Mississippi and its tributaries, would pour the troops of the West. Boats, supplies, every thing would be at their command, and the moment the invader crossed our boundary he would find himself far from his own ships, without any base of operations, in the midst of a hostile population, and in front of a force of any required numbers. Burgoyne's experiment in 1778 was not half as chimerical, nor met with nearly as certain a fate, as would any such attempt. As to the dangers of servile insurrection, if they exist, and that they do exist, is one of the pernicious consequences of the "domestic institution," the peril would be the same if the British troops were landed at the Balize or at Mobile. But certainly no British general in his senses will march two hundred miles in the rear of our country, for the pleasure of meeting there the riflemen of the West. There is not so strong a portion of the Union at the whole line of the Mississippi: a population inured to hardships, wonted to arms, and possessing rapid means of communication, may defy the force not merely of England, but of the world. But look at history and experience—on our northern frontier, Great Britain has colonies for a thousand miles, fortifications—depôts and waters on which she can move with rapidity and in great bodies, and yet what has she ever done there to annoy us? Plattsburgh and Saratoga answer the question. The truth is, that this country never can be occupied by an European force. As regards conquest or occupation, it is absolutely invincible.

* In 1809, the whole British force in the Peninsula was only 23,000 men. Napier, vol. 1, ap. No. 40. In 1811, it reached to 57,000. In 1812, to 48,000; Napier, vol. 2, ap No. 20; and this, it must be recollected, was the greatest effort that England has ever made, and upon a country within a few days' sail of her own ports with Portugal for an ally, and the Spanish population as auxiliaries.

On the other hand, if the numerous ports and long line of sea coasts of Texas are to be defended as a portion of our own frontier, a vast increase must be made to our fortifications, and a very considerable one to our military and naval establishment. Texas, as a neutral, would be, in case of a war with England, far more serviceable than as a portion of our own territory, and that she would be a voluntary ally, is, in our judgment, in the last degree improbable. We seem to forget that there must be limits to our dominion; in case of war, Great Britain will always endeavor to enlist in opposition to us our southern neighbors, be she Mexico or Texas, a policy far easier to be pursued with Mexico, already alienated from us, than with the people of Texas, claiming the same origin with ourselves. In case of a war, it were far better to have Galveston and Matagordas in neutral hands than in our own.

The annexation of Texas, instead of strengthening the Union, weakens it, just so far as it adds a great line of frontier to be occupied and defended. A friendly or neutral republic on our border is of vastly more importance to us in every military point of view.

The leading, indeed, the only considerable inducement held out in Mr. Walker's pamphlet, is the prospect that Texas will furnish a great market for the mining and manufacturing productions of the northern and middle States. The most elaborate production of his treatise consists of an effort literally to purchase the support of the North. A trifling inconsistency may be noticed. Texas, as a mart for slaves, is to assist in draining the old slave States, and in extirpating the institution. As a market for the products of the free States, it is indefinitely to augment their resources, indefinitely to increase their productions. It would be desirable to know why the same cause is to produce effects so different. But Mr. Walker has, in some respects, rightly appreciated the character of our people. During the fifty-five years of independent existence, under our present form of government, three have been consumed in war; nearly two entire generations have been devoted exclusively to the pursuit of material acquisition. There can be no doubt that in some respects, profound peace and advancing luxury have exercised an injurious influence upon the national character. That "fierce spirit of liberty" which, seventy years ago, Mr. Burke so beautifully depicted as equally our glory and our strength, scarcely breathes in us with equal vigor. The spirit of party and the love of gain are the two master impulses that agitate our bosoms; and two foes more dangerous to human virtue, and more injurious to national character, are not to be named. Political divisions, growing out of great national questions, are the life-blood of a free people; party spirit, sectional cabal, selfish intrigue, destroy the very existence of public virtue. The pursuit of wealth, as leading to independence, is the most honorable occupation of peace. The mere acquisition of property for the gratification of appetite or the satisfaction of

luxury, poisons the springs of private virtue. These two ills combined, waste our country, and our national and commercial existence bears on every hand the impress of their terrible ravages. It is these spirits, and especially the latter, that are now called to the aid of this new measure. Every consideration of national faith and national justice is coolly set aside, that the manufacturers of the East, the farmers and miners of the middle States, may reap more abundant profits.

There can be no doubt that if Texas becomes a great and prosperous country she must be a large consumer of the products of the free States. There is no doubt that, as a rival power, her competition may seriously affect the planters of the Carolinas and of Louisiana. It must do so in any event. But are these the only considerations, are they the leading considerations to govern the conduct of a wise or of a christian people? No spirit is so surely self-destructive as that which grasps at gain without stopping to inquire as to the means that are to be used. The mere pursuit of riches, unchecked by moderation, unchastened by principle, is sure to be visited by the judgments of the Almighty. The American race was planted in this western world not merely to clear forests, dig canals, construct railroads, plant cotton, grow sugar and amass wealth. For higher and nobler objects were, we fondly hope, the foundations of this vast empire laid. To hold up to the world the spectacle of a great, free self-governed country, bearing for its motto equality and justice, a refuge for the oppressed of the old world, a warning to tyrants, and an incitement for the brave and good of every age; these were the objects for which the desolate shores of America were sought; for which the men of the revolution labored. And has it all resolved itself into an increase of the dividends of Lowell, or an augmented profit upon the mines of Pennsylvania?

"All this," said Mr. Burke, in that profound speech on conciliation with America, which if listened to might have changed or checked the destinies of two Empires—"all this I know well enough will sound wild and chimerical to the profane herd of vulgar and mechanical politicians who have no place among us —a sort of people who think that nothing exists but what is gross and material, and who therefore, far from being qualified to be directors in the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught those ruling and master principles which in the opinion of such men as I have mentioned have no substantial existence, are in truth every thing, and all in all. Magnanimity in politics is not seldom the truest wisdom, and a great empire and little minds go ill together."

We have not the slightest doubt, however, that Mr. Walker has greatly exaggerated the growth and value of Texas. He supposes it to increase with the rapidity of Louisiana. We see no reason to believe that its advance will in any assignable proportion keep pace with it. The vast difference between the growth

of the free and slave States is too familiar to require remark. Louisiana does not owe her rapid growth to her own resources: she has been fed by the whole valley of the Mississippi. Slaveholding Louisiana may thank heaven that she is the outlet of a great free country. Where is the population of a similar kind that is to nourish Texas? The rivers of Louisiana take their origin in the densely peopled, industrious States of the north. The rivers of Texas rise in uncultivated mountains. The products of the free States pour downwards to Louisiana. The population of Texas must struggle upward from the sea-coast prairie to the hills. A mere cotton and sugar-growing country, in the latitude of Morocco, nourished by no back population, at present consisting of a mere strip of fertile land along the sea, destitute of good harbors,* and above all "birth strangled" by slavery, is deficient, in our judgment, in some of the first elements of greatness. It may indeed have a rapid, as it were a convulsive growth, at the start, like Mississippi and Alabama, and will slacken in its career from the same causes. This is not a matter in which it becomes one to speak with confidence, but there seems abundant reason to doubt whether the promised consumption of Texas has not been greatly overrated, and whether we are not asked to barter our birthright for a mess of pottage.

Mr. Walker writes so much like a partizan in this matter, with so much excitement and under so great and evident a bias, that I confess, with perfect respect to his motives, I greatly doubt the accuracy of his statements. To seduce Pennsylvania, we are told that Texas "has no mines of coal or iron."† This is material every way. If without coal or iron, Texas is one of the feeblest countries on the globe, she must be for ever a mere cotton growing district. But it is not so: all the accounts concur in stating that she possesses both. Newell says, p. 172, "*iron ore* is found in abundance in the east, north, and middle parts of Texas; and "*bituminous coal* also on the upper Colorado equal to that of Pittsburg." Kennedy says, vol. i. p. 117, "*iron ore* is distributed in profusion throughout Texas;" and p. 118, "*coal, both bituminous and anthracite*, abounds from Trinity River to the Rio Grande," so that Pennsylvania may not find it such an excellent bargain after all, and may peradventure catch a rival instead of finding a customer.

But we are told by Mr. Walker that the annexation of Texas is essential to the existence of the present tariff. For a slaveholding advocate of slavery, and a Southern opponent of the tariff, to urge the measure upon the ground that it will be prejudicial to slavery and beneficial to the tariff, is certainly what

* "Galveston," says Mr. Kendall, (vol. I. p. 20.) "in a commercial point of view, is the most important place in Texas, yet no vessel larger than an ordinary sloop of war can cross the bar at the highest tide. The harbor is considered far from safe, yet is one of the best on the entire coast from the Rio Grande to the Sabine."

† Globe edition of Mr. Walker's Letter, p. 21.

the lawyers call using the license of counsel to its full extent; and we may well be permitted to doubt whether arguments so urged against the known prejudices and interests of the advocate are entitled to the merit of sincerity. Can they claim any other merit?

If indeed the independence of Texas could so far affect the tariff as to compel Congress to approach the revenue line of duty, that of itself would, in our minds, be the strongest possible argument against annexation. Such a result would be received with delight, not only by the southern interest to which Mr. Walker so exclusively belongs, but by all those at the north who look forward with anxious desire to the moment when the shackles shall be struck off the limbs of trade, and in the expressive language of Franklin, "exchanges shall be as free among all nations, as between the counties of England."

The annexation of Texas urged upon us for the support of the present tariff! This is indeed a potent argument, addressed by a democrat, a southern and a planter, to the manufacturers of Lowell! The fraternal tie which binds them is well known to be strong; and we, who for years have been struggling to establish but a partial freedom of trade, are called upon to yoke in with the manufacturers of the east in the support of a system that we have ever denounced as unequal and unjust. The argument is as insulting to our reason as it is odious to our feelings.

But how stand the facts? Mr. Walker's argument is briefly this. That Texas, as a neutral power, will be flooded with the manufactures of England: that no system of custom-houses will be sufficient to command the line of the Sabine, the Red River and the Arkansas, and that thus the whole west must be deluged with her productions. How stands the case on our northern boundary? For thousands of miles, rivers and inland seas divide us from the colonies of England. Has the tariff been found ineffectual on that frontier? is it not perfectly notorious that the woollen and iron manufactures of England are so bulky in proportion to their cost, that smuggling on any great scale is out of the question, and that although England has all Canada for her depôt, the amount of contraband articles introduced into the country is altogether insignificant. And yet, what England cannot effect with the help of the St. Lawrence, the lakes and Canadas, she is to effect by penetrating the wilderness of the south-west, without depôts or communications—without, indeed, at present, any internal communications whatever.

Mr. Walker tells us, in so many words, that unless Texas is re-annexed, "the commerce of the country will be transferred from New York and the ports of the North, to the free ports of Texas." That is to say, that New-England, New-York, Pennsylvania, and the Great West, now supplied through New-York, Boston and Philadelphia—and into which vast territory neither Canada, the St. Lawrence nor the Lakes enable England to smuggle any thing worth naming—that these same States will be supplied with con-

traband goods through Texas, lying from four hundred to one thousand miles to the south. Can any more preposterous proposition be started? And the argument is just as false in regard to the southern as to the northern States.

The tariff, unfortunately, is vastly too strong to be overthrown by smuggling; nothing but an enlightened and liberal legislation can accomplish it; and its opponents have as little to hope from the annexation, as its friends to dread from its independence of Texas.

But the worst argument of the friends of annexation is yet to come. We are told (Mr. Walker, p. 16) that if Texas is not annexed, the south and south-west must separate from the north and unite with Texas. The sordid, anti-national and unpatriotic character of the movement cannot be better understood than by this argument. The south, unless gratified in this point, will unite with Texas to prevent free trade and perpetuate slavery. If this be the issue, in God's name, so be it. We have heard this cry of disunion so long, that it has begun to lose its terrors. If the south prefer Texas to the north, let them try the exchange. But it is absurd. The south cannot separate from the north. The mere agricultural portion of the country cannot separate from the manufacturing and commercial. Nor does the south desire it. Deceived and inflamed by party leaders, they are often unwise, violent, and unreasonable. But the south, bone of our bone, and flesh of our flesh, will not persist in any course of conduct dangerous to their material interests, at war with every true national feeling, and fatal to liberty.

We have yet to consider the effects of annexation on the Institution of slavery.

If Texas is to be annexed, it is as forming one or more slave States that she is to come in. At the very first view of this part of the subject, it is a striking fact, that the whole vigor and activity of the movement comes from the south. You may find at the north, individuals here and there in favor of the measure. Many who, with our usual lukewarmness upon political topics, would consent rather than have the trouble of opposition; but were it left to the north alone, the annexation of Texas would be the last topic to agitate us. The whole pressure, as we have said, proceeds from the south. What common interest unites the southern members of this confederacy in demanding the exercise of powers so doubtful, against the settled policy of this government, and at the imminent hazard of embroiling us with foreign states? What other interest can it be than the strict alliance proceeding from that baneful institution which forms the ground-work of their whole social organization? What other tie can it be than that slavery, which many among them have openly declared shall rule the destinies of our common country?

It is only with slavery as a political institution that these paragraphs have any thing to do—as a basis of representation, as affecting our national legislature—as controlling the fate of the

District of Columbia and territories—as interfering with the right of petition, slavery is a national establishment, and as such, every freeman in the northern States has a direct interest and clear right to examine it in all its bearings. With slavery as mere slave-holding, as a "domestic institution," I do not intend, nor affect to intermeddle. I set myself up as judge of no other person's virtue; but the institutions of my country no man can prevent me from discussing.

In approaching this subject, above all others, effort should be made to preserve a reasonable and fraternal temper. The south has been irritated by what they term the fanaticism of the abolitionists. That fanaticism has largely mingled with the course pursued by that party, is too evident to permit denial. That in their violent denunciations of the motives of that great body of the slave-holding class, their course has been unreasonable, impolitic, and unchristian, it were vain to question, but it would be well to inquire whether the violence of the south has not fully kept pace with that of the least judicious portion of the north; whether the fanaticism of slavery is not quite as wild, quite as ferocious as the fanaticism of freedom.

I am no abolitionist; I have no connexion, direct or indirect, with that sect. I am strongly attached to that great political party which now for half a century has, with few interruptions, ruled the destinies of the Republic; I am entirely persuaded that the interests of the country call for the restoration of that party to power; but detesting slavery with the natural abhorrence of a freeman, regarding it as the greatest disgrace and the greatest misfortune of my country, no party allegiance shall silence my voice, or prevent me from doing that little which every man in his humble sphere is bound at least to attempt, for the cause of liberty and good government.

A most serious ground of opposition to the admission of Texas is, that it must incalculably increase the slaveholding interest. Not the southern interest; I would as lief be governed by the south as by the east or west: on the great subject of commercial intercourse, would far rather; but the northern man must be false to his education, and blind to his interests, who does not, inch by inch, and hand to hand, resist the extension of the slaveholding power. The institution is in every way a blight and a curse. In those districts where it exists, it has plunged the laboring class into degradation and made labor itself dishonorable. Requiring a ruinous investment of capital in the slaves themselves, while it deprives the operative of every stimulus to exertion, it makes the master idle and reckless. It has blighted the prosperity of the Southern States, and the line which separates the free from the slave portion of this confederacy is traced clearly and distinctly as if by the hand of the Almighty himself. Twice the question has been presented to the people of this country; twice as a nation they have been called upon to decide between slavery and freedom, and twice to their infinite shame and misfortune have they decided in behalf of slavery.

By the compromise of the Federal constitution, slavery was incorporated into the government, a power conferred upon, and a representation given to property wholly foreign to the first principles of the Union, and for twenty weary years the national sanction was, notwithstanding Madison's emphatic protest, extended to that atrocious traffic which the common voice of mankind now declares piracy. "Twenty years," said Mr. Madison, "will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character than to say nothing about it in the constitution." [Madison Papers, vol. iii. p. 1426.] "Religion and humanity," said Mr. Rutledge, of South Carolina, "have nothing to do with the question; interest alone is the governing principle with nations." [vol. iii. p. 1389.] Such was the spirit which triumphed in the federal convention. This first error has brought others equally, even more serious in its train—in the expressive language of Scripture, "our fathers ate sour grapes and our teeth are set on edge." Nearly half a century after the formation of the government, was effected that most unhappy settlement of the Missouri question, which is the immediate source of our present difficulties. It is only by looking at the past that statesmen can acquire wisdom—it is only in the hard school of experience that nations or individuals are taught. It was in the settlement of the Missouri question that the slave-holding interest, that the slave-holding power avowed its determination to extend and perpetuate its pernicious influence, and it was then that the freemen of the north were taught that they had in the bosom of their own country, masters whose wilful blindness and haughty violence could claim kindred with the most despotic spirits that the world has seen. Constitutional scruples, and the terms of the treaty with France, were relied on to justify the course of southern gentlemen, but all these reasons were abandoned in that which was so absurdly called a "compromise;" and the constitutional power was distinctly asserted in the 8th section of the act (1820 Mar. 36, ch. 20–21) which declared that slavery should be prohibited north of thirty-six degrees and thirty minutes of north latitude, a territory where experience had shown it could with difficulty exist. Slavery a second time triumphed, and the bitter fruits of northern weakness have been abundantly enjoyed in our generation. It is to the settlement of the Missouri question, to its introduction of two slave States, to its promise of many more, and to the confidence and arrogance which it engendered in the slave-holding interest, that we owe those scandalous acts that have tarnished the character of the country, and have vitiated the whole action of the government. It is to this that we owe the digraceful scenes of violence which within a few years we have witnessed even on the free soil of the northern States; it is owing to this, that the freedom of the mails has been violated; to this, that the free expression of northern opinion has been stifled; to this, finally, that the first statesman

of the south, in the sight of day, and in the face of a christian and civilized world, has declared "slavery to be a great good." This is the bitter cup which the north has drunk to the dregs, and now for the third, and for the last time, this question is presented to the arbitrement of the American people.

Shall new slave territory be added to this republic? Shall the materials of five or six slave-holding States be added to the Union? Shall the slave-holding power be rendered perpetual? For the last time these questions are to be decided—if Texas is annexed so far as this generation is concerned, so long as the Union lasts slavery is perpetual. The annexation of Texas is but another name for "*the perpetuity of slavery*," and we who now enjoy the rights and hold the soil of the Union, must bid farewell for ever to the hope of relieving ourselves from the danger, the odium and the disgrace inseparable from this pernicious institution.

The idea that the annexation of Texas can lead to the extinction of slavery is certainly one of the most extraordinary for its boldness, that has ever been put forth. How in the nature of things can the addition of slave-holding States diminish the extent or influence of that institution? Is it likely to weaken the bond or diminish the confidence which now binds the slave States together? Is the addition of a great mart for the sale and consumption of slaves likely to diminish the supply of the article? Will the addition of a great cotton growing country to be cultivated by slaves alone, be likely to diminish the slave breeding of Virginia.

This is precisely the same argument used in the discussion of the Missouri question. "It is further urged," said Mr. King, in his admirable speech on this subject,* "that the admission of slaves into Missouri would be limited to the slaves already within the United States, that their health and comfort would be promoted by their dispersion, and that their numbers would be the same whether they remain confined to the States where slavery exists, or are dispersed over the new States that are admitted into the Union." And what has been the result?

We are not left in this matter to speculation alone; experience has decided it; this is not the first time that we have been asked to annex a great slave holding country on the southwest of the republic. Texas is but a second Louisiana, and so far as slavery is concerned, the results of the addition of the first will show us what is likely to be the effect of the annexation of the second. Louisiana was annexed forty years ago. Great public policy was supposed to require its acquisition; as regards slavery, its results have been most disastrous. In 1800, we had a slave population, excluding nearly forty thousand in the now free States of New-York, New Jersey and Pennsylvania, of 650,000. In 1840 we had a slave population of two millions and a half. Mr. Senator Walker, who has, with great confidence, put forth this new hypothesis

* Nile's Register, vol. 17, p. 220.

lays stress upon the diminution of the slave population in one or two of the most northern of the slave holding States. It is not difficult to perceive the extent of this diminution. In 1790, the slaves in Delaware amounted to 8,887; in Maryland to 103,066, making together about 113,000. In 1840, the slaves in Delaware amounted to 2,605, and in Maryland to 89,767, numbering both together about ninety thousand. So that, while in two slave holding States a *reduction* has been effected of about thirty thousand in forty years, in the Union at large the slave population has been *increased* nearly 2,000,000. Add, if you choose, to this the slaves in New-York, New Jersey and Pennsylvania, who, in 1790 amounted altogether to 36,484, and then strike the balance and see how the amount stands. Credit the south-west with 56,000 as the entire reduction, and you have to debit it with the terrible amount of *two millions*. This is Mr. Walker's process for the extinction of slavery. In every other bond State of the Union the slave population has regularly increased. In Virginia, to whose climate, soil and products slavery is just as well suited and as important as to those of New-York, there were in 1790, 293,000 slaves. In 1840 there were 448,987. This is the more striking when we consider the growth of white population in this State. In 1790, the whole free population was 454,881. In 1840, it amounted to 790,810. So that the slave population has in Virginia itself kept even pace with the free. Compare this with Mr. Jefferson's anticipations. In his "Notes" published in 1782, a work which for its boldness and intelligence does him immortal credit, he estimates the population free (296,852) and slave (270,762) at 567,614. He calculates that it will double in every twenty-seven and one-fourth years, and according to that ratio supposes that in 1835 there would be 2,270,456 souls, and that in ninety-five years Virginia would contain between six and seven millions. Sixty-two years have rolled away: Virginia now has scarcely thirteen hundred thousand, and as I have said, the slaves have kept pace with the whites. It is perfectly notorious that this is owing to the fact that the worn-out soil of Virginia, exhausted by slave labor, has required a change of products, and that instead of raising tobacco and wheat, they have in great part, devoted themselves to breeding slaves for exportation to the South and West, This is the "rotation of crops" in Virginia. It is perfectly apparent, that if no such inducement had been held out to that State, her slave population would long since have dwindled away. Virginia owes her slavery now to nothing whatever, but the new south-western slave market opened by our federal legislation. Look at Louisiana herself; in 1810 there were 34,000 slaves; in 1840 there were 168,452. Indeed long previous to the addition of Louisiana, the same experiment had been going on. Alabama and Mississippi were but the prototypes of Louisiana and Texas. Addition of slave territory at the south-west has been our "*Course of Empire.*" That system has produced a steady and enormous increase of slave population, and slave population is slave repre-

sentation—fifteen hundred thousand slaves are now actually represented in Congress. Shall we then be told that a continuation of the same policy will have a wholly different effect?

In 1840 the slaves in the old original slave States amounted to 1,392,523. In the new slave States of Tennessee, Kentucky, Alabama, Missouri, Mississippi, Arkansas, Louisiana and Florida, they amounted to 1,086,404, so that ONE MILLION of slaves have been added to the Republic by our own act—by the addition of slave holding territory to the south-west.

And we are gravely informed that slavery, if left to itself, will work its own cure. I quite agree to the proposition; but when shall we begin the experiment? Is adding new slave States leaving slavery to itself—is adding a new market for slaves—is adding Texas, leaving slavery to itself? If this institution had been cooped up in the old States—if it had been left to the territory on the Atlantic coast, I have not a doubt that it would long since have disappeared. But the whole vigor of the federal government has been regularly and systematically applied to the extension of slave territory and slave-holding.

And after this, shall we be told that slavery will be diminished by the annexation of Texas? There is but one hope for that result, and that is in limiting the confederacy to its present boundaries. If we remain satisfied with our present possessions, the vigorous principle of freedom must inevitably by its own action root out slavery from amongst us. The principle of freedom is one of perpetual growth, whilst slavery bears with it the seeds of its own destruction; wasting the soil which it covers, and impoverishing the race which tolerates it, it will yield silently and inevitably to the advancing steps of freedom. It exists, and has existed solely under the patronage and assistance of the central government. If Kentucky, Tennessee, Mississippi and Alabama; if Louisiana, Arkansas and Missouri, had not been added as slave States, it would already have dwindled to a span; it will now be too feeble for the elements of freedom in the republic, unless reinforced and re-invigorated by the addition of Texas.

The argument that Texas can by any possibility affect slavery injuriously, is almost ludicrous, when we consider by whom it is urged. The consideration that the annexation of Texas will extinguish slavery is gravely presented to northern men by southern gentlemen, who avow themselves devoted advocates and adherents of the slave-holding interest. It is by slave holders, by the enemies of the right of petition, by gentlemen who denounce all agitation of this question as next of kin to treason, that we are gravely urged to receive Texas on the ground that slavery will be thereby extinguished. Thus it is that the prejudices and passions of every section are to be reached; the northern citizen is to be coaxed with the prospect of extending freedom, while the southern statesman clutches a new slave empire in his grasp.

Mr. Walker's pamphlet, which contains a series of ingenious appeals to whatever there is of ignorance, prejudice, or love of

gain at the north, contains some statements which deserve notice. He depicts, in frightful terms, the degradation of the free blacks at the north, and portrays in appalling colors the consequences of immediate emancipation.

We have, in the first place, to remark some very extraordinary misstatements of facts. Mr. Walker says, for the purpose of showing an alarming increase of free blacks, p. 13: "By the census of 1790, the number of free blacks in the States (adding New-York) adjoining the slave-holding States, was 13,933. In the States, adding New-York, adjacent to the slave-holding States, the number of free blacks, by the census of 1840, was 148,107, being an aggregate increase of nearly *eleven to one* in New-York, New Jersey, Pennsylvania, Ohio, Indiana and Illinois."

One would have supposed that Mr. Walker would have seen at once that this enormous ratio was evidently impossible, because it is far greater than the greatest increase of the free whites, and because he immediately follows it up by statements showing the wretched physical condition of the free blacks; a condition evidently incompatible with a rapid and healthy increase. But we are not left to any abstract reasoning in the matter. In making out this ratio, Mr. Walker altogether omits the *slaves* in those States in 1790, who were emancipated between that period and 1840, became by that process "*free blacks*," and should of course be added to the number in 1790 to produce a correct idea. Now the slaves in New-York, Pennsylvania and New Jersey, in 1790, were 36,484, add Mr. Walker's free blacks, as above, and we have fifty thousand blacks in those States in 1790, and 148,107, in 1840, so that the growth instead of eleven to one, has been three to one in fifty years. But this ratio is too large, inasmuch as I have included Ohio, Indiana and Illinois in the latter statement—although they are not embraced in the amount of 1790.

The true result is arrived at in another mode. The number of blacks, slaves and free, in the nine old free States of New England, New-York, Pennsylvania and New Jersey, in 1790, was 67,579; in 1840, in the same States, the number was 141,559, which is little more than two to one in fifty years—the black population in fifty years has doubled, while the free population during the same period has more than tripled. A few other comparative statements will show this matter still more fully in its true light. In the nine old States just above named, the free white population in 1790, was 1,900,979. In 1840, it was 6,618,750. It has more than tripled. In the four old slave States of Virginia, the Carolinas and Georgia, the free whites in 1790, were 923,383. In 1840, they were 1,892,617. They have barely doubled. In the same States, in 1790, the slaves were 530,357. In 1840, they were 1,302,786. The increase is as 2½ to 1; therefore the result is briefly thus: In the free States the whites in fifty years have more than tripled. In the slave States they have barely doubled. In the free States the blacks have doubled; in the old slave States they have increased as 2½ to 1. Taking all the slave States

together, they have more than quadrupled. So much for the alarming increase of the free blacks. With freedom, the black race is utterly insignificant; it is only when it is fostered by slavery that it becomes formidable, and thus fostered, it in truth makes the future most alarming. What are we to do with the ten or twelve millions of slaves that another half century will show among us?

What shall we do when instead of fifteen hundred thousand slaves represented on the floor of Congress, we shall have six or seven millions—when instead of twenty members representing *property* in that body, we shall have on the present ratio between eighty and a hundred. Mr. Jefferson, sixty years ago, understood this perfectly. "Under the mild treatment our slaves experience," he says in his Notes, "and their wholesome though coarse food, this blot on our country increases as fast or faster than the whites." But Mr. Jefferson was a patriot and a statesman. If he was ambitious, it was for noble objects; if he sought power, it was to do good.

And now what becomes of Mr. Walker's terrific statements in regard to the growth of the free black population in the northern States. He says, "at this rate, i. e. eleven to one, the free blacks in the six free States above named, would, in 1890, amount to 1,600,000, and he estimates the amount of expense and crime on this basis. They will, in fact, scarcely come up to 300,000; and at the same period our white population will be nearly twenty millions. In fact all Mr. Walker's calculations on this head must be divided by five to get at the truth.

So much for Mr. Walker's statistics; they are most amazingly inaccurate, when we consider that he has taken the trouble to prepare them himself for this specific purpose. I respectfully submit, that when honorable senators get up statistical tables for a particular purpose of great national moment, and inclined to affect the minds of their fellow-citizens on a large scale, they should be prepared with more care. In fact, and it is a very serious fact, the free black population increases in some of the slave States as fast, and in other States much faster, than in the free States. In Arkansas, from 1830 to 1840, the increase of the free colored population was 229 per cent. In New Hampshire the *diminution* was 11 per cent. In Louisiana the increase was 52 per cent. In New-York but 11 per cent. In Mississippi the increase was 163 per cent. In Pennsylvania but 18 per cent. So that the free black population actually increases faster in the slave States than in the free; and this is, I suppose, to be ascribed mainly to the effects of a climate more congenial to their constitution.*

There are other portions of Mr. Walker's calculations which equally deserve examination. His tables are compiled, we are informed, entirely by himself, a fact sufficiently apparent inasmuch as they are manifestly got up to serve a purpose, and yet,

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*American Almanack for 1843, p. 205.

when carefully examined, they prove little or nothing for the case. The first and second tables (page 12) go to show that the number of deaf and dumb, idiots and insane, in the non-slave-holding States, is 1 out of 96, in the slave States 1 out of 672, and among the whites 1 in 561. What does this prove? This physical difference is owing, no doubt, mainly to the fact that the northern climate is unsuited to the Africans. But the most valuable conclusion to be derived from it is, that the whites are worse off than the negro slaves; and the only legitimate inference is, that the free laborers of the north should turn blackamoors, and hoe cotton under an overseer on the banks of the Pedee.

Who doubts that the free blacks are worse off than the slaves? The one race is oppressed morally, but their physical comforts are in the main cared for. It is the interest of their masters that they should be well fed and well housed. The other is oppressed both physically and morally—they are degraded and overwhelmed with prejudice—no matter whether deserved or undeserved, the result is the same.

As to insanity, no doubt the free blacks are more afflicted by it than the slaves. Of course it must be so. Mental action leads to mental disease. Who can doubt that insanity is more prevalent in England than in Russia—among freemen than among slaves. Insanity is one of the privileges of freedom.

The third table (page 12) is made to show that the number of negroes, deaf and dumb, blind, idiots, *insane, paupers, and in prison*, in the non-slave-holding States, 1 out of every 154, or 22 to 1 against the free blacks, as compared with their Slaves. Now, here the paupers and prisoners are evidently included for the purpose of swelling the proportion, and it is equally evident that it is most absurd to embrace them. We all know that the minor crimes on the plantations in the slave States are not punished by law. Petty thefts, petty broils, which fill our prisons with free blacks, are there punished by the overseer. So that the prison statistics do not furnish the slightest guide to a correct result. Again, where are all the old, infirm, and helpless slaves who burden the plantations and destroy the profits of southern labor? What is a slave, to all intents and purposes, but a pauper—fed by another, clothed by another, and who labors not for himself? Mr. Walker quietly informs us, page 12: "*There are no paupers among the slaves.*" True enough, they are *all* paupers—two millions and a half of paupers.

Here, again, is a palpable confusion of facts, arranged with the effect of completely perverting the mind and producing a false result.

But we may well ask what has all this to do with the annexation of Texas? The wretched condition of most of the free blacks at the north is a matter with which we are familiar—whether owing to climate, to prejudice, or to natural differences, they are undoubtedly considered in the free States as a Helot race, and the natural consequences have made themselves apparent in their misery and in their crimes. How far that prejudice

has been created or nourished, how far their degraded position is or has been owing to the existence of slavery, and to the continual action of the federal government in behalf of that institution, are questions which perhaps it is impossible, certainly unnecessary to answer.

But, at all events, what has this to do with annexation or with slavery? The white race is the predominant interest on this continent; and it is in behalf of the whole race, and for its effects upon the white race, that the freemen of the north oppose and denounce slavery. It is as degrading white labor, as affecting white freedom, that we of the north detest the institution. The free blacks are fading from the land; slavery nurses and extends the evil; slavery but augments the dangers with which emancipation, sure to come at last, will have to contend, and the degradation of the free blacks furnishes humanity only with another reason against the extension of that race, which, on this continent, at least, seems born only to furnish food for oppression.

The consequences of emancipation would, in Mr. Walker's opinion, lead to a general rush of the freed blacks from the south upon the northern States. This is another bugbear, to frighten the timid spirits of the north. What single reason is there to suppose that the emancipated slaves would pour themselves upon the freed States? Is it likely that these children of the torrid zone would seek the inclement climate of the north? The mere animal instincts furnish an insuperable obstacle. What possible inducement, if freed at the south, would they have to seek starvation at the north? No one reason can be assigned for supposing that the blacks would leave a climate suited and agreeable to their constitutions, and for the productions of which their labor is necessary, to perish of idleness, cold and misery in the free States? There is evidently much greater reason to suppose that in such an event the free blacks of the north would precipitate themselves on the south; they would find there a great mass of their brethren, a more congenial climate, and labor to which their constitution is suited.

But who is it that talks of immediate emancipation? and what has immediate emancipation to do with the annexation of Texas? With the exception of a few blind fanatics, it is impossible to find any at the north so ignorant as to misunderstand the constitutional guarantees, or so immoral as to wish to violate them. The right of petition, slavery in the District of Columbia, and above all, the extension of the slave-holding power, do indeed greatly agitate our minds. But with the question of immediate emancipation, we very well know that we have nothing to do. We very well know that this matter is left to the jurisdiction of the States themselves; to them most properly and safely left; and immediate emancipation is only a chimera raised by those who wish to cover with the odium of abolition every man who has enough of sense and courage to express his abhorrence of slavery.

It is too late to attempt to make these false issues. The people of the north, for a while, were deluded by them; the day has now, thank God, gone by. The question now is not whether the abolitionists are fanatics, nor as to the consequences of immediate emancipation, but whether slavery and the slave-holding power shall be perpetuated by the direct agency of the federal government. This is the question that the christian freemen of the north, that the christian freemen of the south must decide, with a just view of their responsibility to that religion which they profess, and to that civilized world of which they are a part. Not the north alone does this matter by any means affect. The south has a far deeper, more direct, more vital interest in opposing the annexation of Texas than any that we of the free States can pretend. There are in the slave States multitudes of high-minded right judging men, who perceive the fatal effects of slavery, and earnestly desire its extinction. Let these men think well before they abandon the last hope of freeing themselves and their children from the burthen of this incubus.

If the preceding numbers of these papers have established what it was undertaken to maintain, it has been shown that the annexation of Texas cannot be effected without an exercise of power, at the best very doubtful, and which has been denied by some of the ablest statesmen this country has ever produced—that whether it is followed by a war with Mexico or not, it is equally a departure from our original and well-established policy with respect to foreign nations, and must give to this country an attitude of aggression in regard to its feebler neighbors—that finally it must prodigiously aggravate the evils of slavery.

If I have succeeded in carrying the mind of the reader with me thus far, it only remains to inquire what will be the probable effect of this measure upon the union of these States—the probable effect, for he must be presumptous indeed who affects to speak with confidence of the ultimate destinies of this western hemisphere. We can only argue from the existence of certain causes to their probable effects.

And at the outset it is proper to remark that the results of this measure will be neither to-day nor to-morrow. If the friends of annexation triumph, the calm and deliberate temper of the north will prevent any immediate outbreak, and we shall be told with abundant airs of triumph, how much we have miscalculated and overrated the effects of this dreaded step. But the destinies of nations are not decided in a day, nor yet in a generation. This republic has existed fifty years. Fifty years is scarcely a moment in the life-time of empires. If we rightly apprehend the probable consequences of the annexation, they will be slow, but they will be certain, and as disastrous as certain.

In the first place—another shock will be given to our faith in the Constitution, and to the value of constitutional law. The Constitution is the corner-stone of all our institutions, and with-

out a sacred adherence to its provisions we are at the mercy of fluctuating majorities, of violent factions, and selfish leaders. If the idea once takes root in the popular mind that the Constitution means any thing or nothing, as it suits for the time being—that it affords no barrier against the will of the dominant party, one of the greatest safeguards of order disappears. Our government is one of opinion. No force upholds it; the confidence of the people gone, it has nothing to fall back upon. The exercise of doubtful powers, therefore, against the clear conviction of any respectable minority, is always a great evil; never to be justified except by some great, some paramount necessity. No such necessity can be shown in the present case.

Again, the annexation of Texas is fraught with evil, inasmuch as it impairs, if it does not utterly destroy, the moral tone of our government. This Republic was founded with very lofty pretensions—pretensions at the outset as well founded as lofty. Equality and justice are no unmeaning words. Men, whose superiors, whose equals perhaps, all things considered, the world has never seen, undertook to hold up to their fellow-beings the model of a government for admiration and for imitation. We have assumed a superiority over the establishments both of the old and the new world.

But how are these high vaunts to be sustained? We already remain the only great Christian civilized slave-holding power. The faith and honor of nearly one-fourth of the Union is sunk under a mass of extravagance and folly, only equalled by the rank knavery with which it was accompanied, and we propose now to enter on a career of violence and conquest. Is or is this not calculated to weaken our affections for our institutions? No government can long exist in the face of the contempt of the world, and nothing is so likely to excite contempt as magnificent promises followed by paltry performances. A spirit of harmony, good order, religion and justice—justice not merely to ourselves, but to all mankind—is essential to a republican form of government. It is idle to suppose a republic can rest upon force or fraud. A government without armies, based only on the affections of the people, must cultivate those affections and those virtues from which the affections spring. Change the scene; breathe a spirit of violence, injustice, aggression and contempt of right, and your social family becomes a horde of banditti—this Union sinks to the level of the cut-throat Republics of South America, and perishes amidst the scorn and execrations of mankind.

There is one further result to be noticed. The annexation of Texas will be regarded, as we have said, by the North, as a determination on the part of the South to render slavery perpetual. What will be the effect of such an announcement upon this Union? Rightly to answer this question, it is necessary to understand distinctly the existing temper of the North, and the difficulties that the Union will have to encounter. A very perceptible change of feeling has taken place within the last ten years.

It is as auspicious to freedom as it is ominous to the perpetuation of slavery. When the abolitionists first commenced their career, the violence of the South, the action of the federal government then in the firm hands of Jackson, and the timidity of the North all conspired to produce a state of things as alarming as it was short lived. The abolitionists were hunted down; they were made the victims of every species of mob-violence, the mails were stopped, gag-rules forced through Congress, and the whole tide of freedom was turned backward. But this state of things, in its nature, could not long last: men of all parties and of no party came to the rescue—Adams, Leggett, Channing bearded the popular lion, and from that time a reaction became manifest. The abolitionists became politicians, and now in the three leading States of Massachusetts, New-York and Ohio, they number nearly fifty thousand voters. And this party belongs to a highly respectable class of the people. They have property and character. They may be fanatics if you please, but they are at any rate orderly and virtuous citizens.

The operation of causes, commonly called political, are not to be lost sight of. The anti-slavery party is now a very small minority. But it is bound together by the strongest tie, and it is a curious fact that, while we habitually talk of the influence of majorities, it is by resolute and determined minorities that the most important questions are daily decided. A short retrospect will bring this very forcibly to the mind of any person familiar with our political history.

Hostility to slavery has largely infiltrated itself into both the political parties; prominent democrats have denounced slave rule on the floor of Congress, while their opponents are still more zealous. This state of things has been greatly accelerated by the unreasonable violence, the overbearing and the menace of the South. And how can it be otherwise? The interests, the feelings, the prejudices of the North are all in favor of freedom. The example of England, the taunts and scoffs of all that is liberal in Europe, urge on some, while the voice of religion carries conviction to others. Thus is growing and swelling at the North a spirit of hostility to slavery which threatens immediate collision, and which nothing but extreme good temper, conciliation and forbearance on the part of the South, could possibly silence or allay. It is not now abolition-fanaticism with which they have to contend. It is a growing, it promises soon to be a unanimous conviction on the part of eight millions of freemen, that slavery is incompatible with freedom; and that they are bound in every constitutional way to limit its influence and oppose its extension.

What will be the feeling of this population when told that slavery is rendered perpetual; that the child just born cannot look forward to extremest old age with any hope of seeing it abolished, and that we and our descendants, so far as human ken can go, must through all time bear the shame and odium of this institution.

With what feelings of respect or regard will they look upon the government thus false to its own principles and to the destiny of the race? What other tie will bind the nation together but the mere sordid bond of material interest? And how long is this likely to resist the angry passions and fierce collisions which we are inevitably destined to meet? On the other hand, what is the temper at the South, and what is it likely to be when Texas shall be annexed? The wiser men among them are daily deploring the violence and infatuation which rule their councils. Menace, lawless language, and personal violence have made Congress a scene of disgraceful brawls. Their conduct, in particular instances, seems ingeniously devised for the purpose of exasperating the North. In the nomination of Mr. Everett, who had expressed a desire to abolish slavery in the District, many southern senators openly avowed their determination of rejecting him on this ground alone; and the nomination of Mr. Chancellor Walworth was recently placed in jeopardy for no other reason than that, ten years ago, he had, in a judicial opinion, declared "slavery to be a national as well as local evil."

It is thus that whig and democrat, alternately brow-beaten and insulted, put to the ban for want of fidelity to slavery alone, are compelled to make common cause against the oppression of this common foe.

What is likely to be the state of things if Texas is annexed? How is it possible to endure that which we shall be compelled to receive at the hands of slave-holding legislators? The state of things will be peculiarly propitious to discord and disunion; in the Senate, the two powers will be balanced at least so long as Texas constitutes but one State; in the House, the free States will have a great and increasing majority, while the topics of excitement and irritation will be of daily occurrence. With every census the slave representation increases, with every census the representation of property increases, and in another half century we shall have six or seven millions of slaves actually voted upon in the House of Representatives. In this state of things, that the existence of the Union must become extremely precarious, seems scarcely to admit of doubt. Some external danger, war perhaps, might be sufficient to keep us together; but it seems in the last degree improbable that an empire so divided by its education, its associations, and its prejudices, where the government is so weak, and party spirit so strong, can long remain united. The statesmen of the North must either silence their convictions, stifle their opinions, and dwindle to the mere puppets of a slave-holding policy, or they will be forbidden to share in the honors of the central government. None but slave holders, or their satellites, need aspire to federal honors. All the spirits of the North, who would not submit to so degrading a vassalage, would either concentrate their energies to effect the annihilation of slavery, or seek a melancholy alternative in disunion. A House of Representatives con-

trolled by the prejudices, or, if you please, the fanaticism of freedom, would be feebly checked by a slave-holding Senate; and, in such a state of things, how much the Constitution would be regarded in the conflict of violent and contending parties, repeated experience leaves no room for question.

The annexation of Texas must be, in our judgment, fatal to the perpetuation of this Union—not that it will result in any violent outbreak, but that such a state of temper will be produced as to render the harmonious action of the government impracticable.

Fifty years, it must be remembered, have vastly changed the relations of the members of this confederacy, both as regards themselves and foreign powers. The Union was the result of a common interest and a common apprehension; to these, nobler impulses were added; but the debates in the convention render it manifest that nothing but the timidity of the free States induced them to make those great compromises of principle so apparent in the federal charter.

These original causes are greatly weakened. The northern States, densely peopled with a hardy and industrious race, connected in every direction by railroads and canals, self-dependent and independent, are no longer compelled to seek refuge in the arms of other States. A common interest still attracts them to the Union, a pride in the great names of the revolution binds them to it; but no necessity retains them in the confederacy. The fear of foreign domination is obsolete. The free States have in themselves at this moment, in their commerce, their agriculture and their manufactures, all the elements of independent empire. Is it wise to say to this people that slavery is perpetual? Is it wise to declare that we have perpetually incorporated with the republic a system which oppresses one race and degrades another; which degrades labor, engenders violence, stifles opinion, and is as odious to freemen as it must be hateful to God?

For one, I do not wish to see the experiment tried. I do not wish to see the religious opinions, the feelings, the prejudices of the northern States tried to this extent. Such treasures as we possess are not thus to be trifled with.

It is not necessary to deny that under some circumstances it might be pleasing to contemplate the annexation of Texas to our own dominion. If there were no constitutional difficulty, if it involved no violation of faith as regards Mexico, no extension of slavery, nothing could in that case be more agreeable to an American Statesman than to see the great area of this republic enlarged, it would be a new triumph of the Anglo-Saxon, an extension of freedom, the progress of a purer christianity.

There can be no doubt, whether it is to be effected by our government, by the people of Texas, or by some yet more desperate adventurers, that the descendants of the indomitable race from which we spring must possess this continent from the Atlantic to the Pacific. The feebler people succumb to the more powerful, such has been the invariable course of empire in either

hemisphere; whether under the pacific policy of Penn or the fierce and oppressive rule of Hastings, the ignorant and the feeble possessor of the soil must yield to the braver and more competent invader: but this inevitable course of events forms no necessary portion of the destinies of this government—it is not our incumbent duty to overturn the rising governments of Mexico or Central America, and in the name of civilization and religion to subjugate and oppress the nations who now people those beautiful lands. That revolution may be effected silently and peaceably without the agency of governments, without political amalgamation, by the mere operation of material interests and commercial relations.

This government has other and higher destinies to fulfil: it is the hope of the world, it is the only country whose institutions profess to be based upon justice, where no armed soldiery stifle the expression of opinion, where no opulent aristocracy humbles the laboring class, where property is equally diffused, the only country where man, in any proper sense of the word, enjoys freedom: that treasure it is ours to preserve, and it can only be preserved by maintaining in their original purity those institutions on the origin of which a benignant Providence smiled.

By a rigid adherence to justice, by a sacred obedience to that instrument which we are all pledged to support inviolate, and by a scorn and hatred of oppression, can we alone maintain those liberties which constitute all for which this life is worth the having.

The Texan Treaty, with its accompanying documents, are now before the people. We now have in our hands the evidence of the origin of this negociation, of its conduct, its alleged necessity, and its result. More materials for reflection have rarely been comprised in equal compass. These developments have already excited in the public both amazement and regret, and we shall now endeavor as rapidly and briefly as possible to analyze this last production of Mr. Tyler's government.

When Mr. Calhoun was called to his present situation, a general feeling of confidence was expressed, one naturally resulting from his admitted capacity and long experience. We shall see how this confidence has been answered. Mr. Calhoun has placed himself precisely in Mr. Upshur's shoes, adopted his work, repeated his arguments, and while he cannot claim any merit of originality, he has charged himself with the entire responsibility of this negociation. We profoundly regret it, for it is manifest that no other judgment can be pronounced than one of absolute and unqualified condemnation.

The treaty bears date the 12th of April, 1844. By it the Republic of Texas cedes to the United States all its territories, without any boundary whatever, to be annexed to the Union as a Territory, and hereafter to be admitted as a State.

All titles and claims to real estate valid under the laws of Texas are confirmed.

The United States assume the debt of Texas to the extent of *Ten Millions of Dollars* and the public lands of Texas are pledged for its payment.

The treaty is to be ratified within six months.

Such is the treaty—let us now see its origin, scrutinize somewhat more closely its provisions, and then examine the alleged necessity under which it has been concluded.

In the first place, it proceeds entirely from the government of the United States. There is not the slightest proof that annexation is any more desired by Texas than it is by the people of this Union.

On the 16th of October, 1843, Mr. Upshur, then Secretary of State, writes to Mr. Van Zandt, Chargé of Texas, making a formal proposition of annexation. *This offer was declined*, as appears by Mr. Upshur's letter to Mr. Murphy, our chargé at Texas, dated 16th January, 1844. In this letter, written to be shown to President Houston, the Secretary renews the proposition, in a manner of which it is painful to speak, when recollecting his melancholy fate. In discussing, however, matters of this peculiarly public character, it is impossible to keep silence from personal considerations. The document is in every way discreditable to this nation; at one time wheedling—at another threatening, this government has actually stooped to menace the feeble Republic of Texas, in case it refused to enter the Union, "with being ground to powder in the revolutions of the upper and nether mill-stones"—(England and the United States.)

Mr. Murphy is told (all this, be it remembered, for the benefit of President Houston) that if Texas refuses, "*war is inevitable.*" Before this attitude Texas has succumbed, and, so far as she is concerned, the treaty is the result of a plain direct threat of war. Nor is there any proof that her people desire it. A vote was taken on the question in 1836, (the President's message) and it seems only ninety-three persons voted in the negative; and this vote eight years old is what our functionaries gravely rely on as a proof that the people of Texas are now in favor of the measure. No wonder that, acting on this mode of reasoning, this same letter to Mr. Murphy (still to be read to President Houston) contains positive and exaggerated declarations that the people of the United States are in favor of the measure, and closes with the most extraordinary statement "that measures have been taken to ascertain the opinions and views of Senators on the subject, and that it is found a clear constitutional majority of two-thirds are in favor of the measure." This in January last, when not the slightest means had been taken to ascertain the sense of the nation on the subject.

So much for the origin of the treaty. It is made on our solicitation, and is the result of the most exaggerated mis-statement and direct menace. The instrument itself is in good keeping. It has been concocted with utter indifference to the opinion of every sound thinking, right judging man in the Union.

In the first place, as to the Boundary: It involves us in an im

mediate conflict with Mexico. Not the slightest—not one solitary effort has been made to obtain the consent of that power. The President distinctly admits that Texas and Mexico are still at war—says "*the war has been waged for eight years*,"—into this war, without a word of explanation to the Spanish confederacy, this country is now thrust; and the only apology contained in Mr. Calhoun's letter of the 19th April, 1844, to B. S. Green, Esq. our Chargé at Mexico, announcing the consummation of the project, is the information which he directs Mr. Green to convey to the Mexican Government "*that this step has been taken in full view of all possible consequences*," in other words, *in full view of war*. Menacing Texas and defying Mexico, our wise negotiators proceed on their judicious and honorable course.

And as to Mexico, it was certainly discreet to consider the chances of war. They have made it unavoidable. While saying nothing about the boundary of Texas, they have actually annexed to the United States territory now peaceably occupied by the Mexican Government. This is quite clear. Texas cedes herself to the Union. The Union accepts the cession. What can be meant by Texas, but what she has solemnly declared herself by her legislative acts—i. e. all the country east of the Rio Grande? Now Santa Fe lies east of the Rio Grande, and Santa Fe is at this moment a great Mexican depôt; and yet the negotiators of the Treaty have actually annexed Santa Fe to the United States.

The other provisions are quite harmonious. The United States "assume the debt and liabilities of Texas, however created, for which the faith or credit of her government may be bound at the time of the *exchange of the ratification of the treaty*," a period of not more than six months hence. TEN MILLIONS OF DOLLARS—although the plenipotentiaries of Texas, in their letter of the 15th April, 1844, expressly state that their debt is but five millions of dollars, so that the treaty pledges the United States to assume a Texan debt of five millions of dollars, and *gives her six months to create a debt of five millions more*. No wonder annexation finds friends!

Again—all the land claims to the amount of SIXTY-SEVEN MILLIONS OF ACRES, are declared valid. Calculating land worth, after annexation, one dollar per acre, less than our minimum price, (it is now worth nothing for sale,) add the debt, and we have SEVENTY-SEVEN MILLIONS OF DOLLARS handed over by this treaty to private speculators. This is jobbing on the epic scale. No wonder annexation finds friends.

The public lands are estimated at two hundred and three millions of acres. Of this, sixty-seven millions are already granted. One-third is gone. Is that likely to be the best or the worst part? How much of the remaining two-thirds will come into market within our life time? Answers to these questions will show what security the public lands of Texas affords for the payment of the ten millions of the debt which we have assumed.

So much for the treaty—in every aspect it is most offensive.

The result of our repeated solicitations—brought about by menace and misrepresentation—utterly disregarding the rights of Mexico, distinctly contemplating the hazard of war—it bears the most revolting impress of private cupidity. It shocks the common morals of mankind.

And now for the alleged necessity. What is the impending evil—to avoid which this notable negotiation has been begun, and so skilfully carried through.

In the first place, England has in the most express and positive terms disclaimed any intention whatever to take any step in regard to acquiring power in Texas that can give us the slightest ground of uneasiness.

Lord Aberdeen's letter of the 26th Dec. 1843, declares in the most absolute terms that Great Britain desires no dominant influence in Texas—that her objects are purely commercial, and that she has no desire whatever to affect the United States through Texas. His words are these, they cannot be too often repeated. They are direct and clear.

"With regard to the latter point, in must be and is well known both to the United States and to the whole world, that Great Britain desires, and is constantly exerting herself to procure, the general abolition of slavery throughout the world. But the means which she has adopted, and will continue to adopt for this humane and virtuous purpose, are open and undisguised. She will do nothing secretly or underhand. She desires that her motives may be generally understood, and her acts seen by all.

"With regard to Texas, we avow that we wish to see slavery abolished there, as elsewhere, and we should rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions, throughout the republic. But although we earnestly desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party, in order to ensure the adoption of such a course. We shall counsel, but we shall not seek to compel or unduly control either party. So far as Great Britain is concerned, provided other States act with equal forbearance, those governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of slavery and to all other points."

"Great Britain, moreover, does not desire to establish in Texas, whether partially dependent on Mexico or entirely independent, (which latter alternative we consider in every respect preferable) any dominant influence. She only desires to share her influence equally with all other nations. Her objects are purely commercial, and she has no thought or intention of seeking to act, directly or indirectly, in a political sense, on the United States through Texas."

"The British government, as the United States well know, have

never sought in any way to stir up disaffection or excitement of any kind in the slave-holding States of the American Union. Much as we should wish to see those States placed on the firm and solid footing which we conscientiously believe is to be attained by general freedom alone, we have never in our treatment of them made any difference between the slave-holding and free States of the Union. All are, in our eyes, entitled, as component members of the Union, to equal political respect, favor and forbearance on our part. To that wise and just policy we shall continue to adhere; and the governments of the slave-holding States may be assured that, although we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of slavery throughout the world, we shall neither openly nor secretly resort to any measures which can tend to disturb their internal tranquillity, or thereby to affect the prosperity of the American Union."

Now it will scarcely be believed that this letter is the pretext for the present treaty—because England desires and exerts herself in the way of honorable and open counsel for the abolition of slavery in Texas and throughout the world; because she will advise such a course on all proper occasions, therefore we must annex Texas to protect and perpetuate slavery; and Mr. Calhoun writes a letter to Mr. Pakenham, April 18th, 1844, in which he goes into a labored defence of slavery, seems almost to doubt whether the free States have done well in abolishing it; declares that Texas is to be annexed to guard against the danger of its being abolished in the southern States; and finally declares, "THAT WHAT IS CALLED SLAVERY IS IN REALITY A POLITICAL INSTITUTION ESSENTIAL TO THE PEACE, SAFETY AND PROSPERITY OF THOSE STATES OF THE UNION IN WHICH IT EXISTS."

The veil is rent, and fortunately rent in time—Texas is to be annexed, for the sole and only object of perpetuating slavery. "*What is called slavery*" is essential to those States where it exists—no matter where, in Virginia or Carolina, on the wheat field or rice plantation, in Missouri or Alabama, slavery is essential to the States where it exists. This monstrous language is the deliberate declaration of the first cabinet officer of the first FREE government in the world.

The game is now manifest. "England," it seems, "*is not free from the suspicion of having attempted to abolish slavery in Cuba.*" (Upshur to Everett, 28th Sept. 1843.)

It is evident that this presents to the people of the Union a question entirely new and which they cannot avoid. This issue is not as to abolition of slavery in the southern States, the District, nor the Territories of the Union, but whether this government shall devote its whole energies to the perpetuation of slavery; whether all the sister republics on this continent which desire to abolish slavery, are to be dragooned by us into the support of this institution.

This treaty evidently forms a new era in the history of our

government. Hitherto the watch-word has been non-intervention in the domestic affairs of the South. Now it is intervention with foreign nations to protect, extend and perpetuate those institutions. It is perfectly evident that this cause is suicidal, and equally evident that no portion of the Union can for a moment be deluded by it. It destroys the last hope of all the middle States from Virginia to Missouri for the abolition of the institution, and covers the North with all its sin, odium and ruin; yet this is the policy for which Mr. Calhoun has the amazing boldness to say that he is ready to plunge this country into *war*, "taken in full view of every possible emergency."

The government seems to be acting under a perfect hallucination as to the subject of slavery. Why should not England advise and urge the abolition of slavery? Have we ever (independently of the right of search) found fault with her peaceable efforts to abolish the slave trade? Is not one nation at liberty to use the language of counsel to others, provided those others do not themselves object. Are we prepared to join issue with England on this subject, and while she strives to abolish, we labor to perpetuate slavery—a gallant contest indeed! Even Mr. Murphy, our diplomatic representative in Texas, who writes in a "*whirlwind of emotion* that he cannot express," seems to understand this matter better. On the 24th of September last he wrote to Mr. Upshur, "say nothing about abolition"—and on the 23d he says, "do not offend our fanatical brethren of the north? talk about civil, political and religious liberty—*this will be found the safest issue to go before the world with.*"—It would indeed.

The state of frenzy to which our functionaries are wrought up is certainly curious. They all appear, like Mr. Murphy, in "a whirlwind of emotion." The Secretary of State seems to forget the plainest facts of constitutional law. He says in his letter of the 8th of August, 1843, "The Canadas cannot be reached by the slave by land, without his passing through States of our Union, *whose laws give him freedom by the very fact of his treading on their soil;* and Canada is the secondary recipient of the fugitive slave."

He actually appears to forget the constitutional provision for the return of fugitive slaves. Where are the States which give freedom to the fugitive slave? We should be right glad to know.

We stand in the crisis of a nation's destiny. It rests with us, at this day, to decide whether this Union shall retain its place among honorable, wise and well ordered governments, or whether advocating oppression under the mask of freedom, it shall rush blindfold on its ruin.

The fate of the Treaty is sealed. Whatever little chance it may have had, is destroyed by the odious and absurd light in which it is presented to the people of these States.

THE END.